

# CITY OF ELOY

## Policy and Administrative Guidelines Manual

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# POLICY STATEMENT

**Subject: Employee Policy Administration**

Origination date: 07/24/02

Revision date: 8/9/12, 10/24/2016

Policy number: 1

## Purpose

The purpose of this Policy and Administrative Guidelines Manual (this “Manual”) is to provide guidance in the development and administration of all City employee-related policies. This Manual is not intended to create any contractual rights.

### A. Introduction

The City of Eloy (“City”) desires to extend its services to its customers in the most effective manner possible. The City acknowledges that the well-being of its employees and a harmonious relationship between the City and its employees is essential to maintaining quality service.

The policies in this Manual are a statement of expectations, adopted by the City Mayor and Council, through which the City defines employee benefits, responsibilities, obligations, and opportunities for professional growth. The administrative guidelines further define how the policies will be carried out. Final decision-making and enforcement are entrusted to the City Council and the City Manager.

All employees need to familiarize themselves with this Manual, as well as other pertinent policies, procedures, manuals, or statements issued by the City. The City will make reasonable efforts to notify employees of any changes made to this Manual, but it is the employee's responsibility to follow current policies and guidelines.

Certain departments may be permitted to have general orders or department policies which are more restrictive than those contained in this Manual. If any general order or department policy is more restrictive than the requirements set forth in this document, the general order or department policy will take precedence over the provisions of this Manual, so long as they are not in conflict with this Manual.

In the event of any conflict between this Manual and the City Code, ordinances, or resolutions, or any state or federal law, the terms and conditions of the Code, ordinance, resolution, or state or federal law shall prevail.

Any policies or guidelines previously adopted and now inconsistent with the policies and guidelines set forth herein shall no longer be effective.



## **B. This Manual is Not a Contract**

This Manual does not create, imply, or express a contract, and the City reserves the right to amend, change, or discontinue the policies and guidelines set forth in this Manual at any time.

No City staff member, other than the City Manager, is authorized to enter into oral contracts.

## **C. Administration of Policies and Administrative Guidelines**

The administration of this Manual shall be the responsibility of the City Manager. Specifically, the City Manager is responsible for:

1. administering the provisions of these documents;
2. amending administrative guidelines, as necessary;
3. recommending amendments to the policies to the City Council for consideration; and
4. making reasonable efforts to notify City personnel of changes to any policy or administrative guideline.

Where policies or guidelines establish authority for the City Manager, a Department Director, or the Human Resources Director to perform some task, this authority may be delegated to a lower level of authority, unless otherwise noted herein.

Modification of the policies set forth herein requires City Council approval. Administrative guidelines may be modified by the City Manager. The following chart further illustrates this distinction:

<b>Policies</b>	<b>Administrative Guidelines</b>
▪ Changes require City Council approval	▪ Changes require City Manager approval
▪ Are direction-setting	▪ Are task or action defining
▪ Establish general parameters for the Human Resources system	▪ Give specific guidelines for how Human Resources and Departments carry out the policies
▪ General in nature	▪ Specific in nature
▪ Provide philosophical direction and guidance to the organization	▪ Establish actions that must be taken to support the philosophies established in policies
▪ Says “we believe this way”	▪ Says “this is how we do it”

## POLICY STATEMENT

**Subject: Position Classification**

Origination date: 07/24/02

Revision date: 10/24/2016

Policy number: 100

### Purpose

The purpose of this policy is to outline and explain the Classification Plan, which provides an inventory of all City positions and descriptions and specifications for each class of employment.

### Policy

#### A. Maintenance of Plan

The Human Resources Director shall be responsible for maintaining the Classification Plan. The Human Resources Director shall be responsible for recommending the allocation of positions to the appropriate classes, updating class descriptions and specifications, conducting wage and salary surveys, and processing amendments to the Plan.

#### B. Amendment of Plan

Changes in the organization may necessitate changes to the Classification Plan. The Human Resources Director, or a contracted agency, shall conduct classification studies, at the request of the City Manager, regarding proposed amendments to the Classification Plan for review and adoption by City Council.

#### C. Allocation of Positions

##### 1. Classification of New Positions

When a Department Head desires to establish a new position, he or she shall submit a written description of the duties, responsibilities, and proposed qualifications of the position to the City Manager. The Human Resources Director, or an outside agency, shall conduct a classification analysis of the proposed position to determine proper allocation.

The City Manager shall review the proposed position and classification and supporting analysis and documents with the Department Head and decide whether to submit it to City Council for consideration.

##### 2. Reclassification of Existing Positions

If a Department Head believes that the duties and responsibilities performed by a subordinate differ substantially from those set forth for the position in the Classification Plan, he or she may submit a written request for a reclassification analysis, including documentation and the rationale for reclassification, to the City Manager. The City Manager shall review the recommended course of action with the Department Head and decide whether to submit it to Council for consideration.

- a. If the City Manager denies the requested reclassification analysis, the Department Head shall be notified in writing of the decision.
- b. If the City Manager wishes to present the requested reclassification analysis, he or she may request that the Human Resources Department or a contracted agency conduct the reclassification analysis and submit a written recommendation.
- c. If the Council approves the reclassification, all parties affected shall receive a copy of the recommendation and approval. The above steps should, when possible, be completed within 90 calendar days of the request.

#### **D. Effect of Reclassification on Incumbents**

##### **1. Reclassification Upward**

When a position is reclassified upward, if a regular employee, the employee shall be advanced to the higher class with the same tenure status held in the lower class if he or she meets the minimum qualifications for the reclassified position. When a position is reclassified upward and the employee is a probationary employee, the position may be filled with the employee subject to a satisfactory performance appraisal or the reclassified position may be filled competitively.

##### **2. Reclassification Downward or to Same Level**

When a position is reclassified to another class at the same level, the employee shall be accorded corresponding status in the new class with the same pay. When a position is reclassified to a class that carries a lower salary range and the employee's pay is higher than the maximum for that range, the employee may either have her or his salary red-lined, or reduced to an amount that places the employee's salary within the lower salary range.

## **E. Class Specification (Job Description)**

### **1. Content of Specifications**

Each class specification shall include the class title, a description of the authority, duties, and responsibility of the class, and a statement of the minimum qualifications.

### **2. Interpretation of Specifications**

The class specifications are descriptive and not restrictive. They are not to be construed as stating the only duties or responsibilities of any position. They shall not limit the authority of any supervisor to assign, direct, and control the work of employees under her or his supervision.

### **3. Minimum Qualifications Statements**

The minimum qualifications enumerated in a class specification shall relate to the standards of experience and training, including certification, licensing, or registration required at the time of original appointment of a new employee.

<b>POLICY STATEMENT</b>	
<b>Subject: Employee Compensation</b>	
Origination date: 07/24/02	Revision date: 02/09/04, 08/08/05, 10/11/05,
Policy number: 200	12/10/07, 1/12/09, 2/23/09, 09/28/09, 03/22/10, 11/8/10, 8/9/12, 10/24/2016, 05/29/2018, <b>11/28/2022</b>

## **Purpose**

The purpose of this policy is to provide guidance on City employee compensation.

## **Policy**

### **A. Maintenance and Administration of the Pay Plan**

The City Manager shall be responsible for the maintenance and administration of the Council-adopted Pay Plan and for recommending to the City Council any adjustments or amendments to or regarding the Plan. The Pay Plan shall establish a pay range for each class, including a minimum and maximum pay rate. Flat pay rates may be used instead of pay ranges where appropriate.

### **B. Adjustments Based on Performance**

1. The Performance Appraisal Report shall serve as one of three ways an employee may obtain a pay increase. The other two ways are a change in position (discussed below) and a market adjustment. The Performance Appraisal Report is the basis for considering employee pay increases based on performance. The Department Head shall only recommend salary increases for those employees who have received a satisfactory rating or above, as indicated on the Performance Appraisal Report. A Department Head may recommend that an employee receive no pay increase (step increase in the case of police officers and sergeants) or market adjustments until the employee's performance is satisfactory. In no case shall a Department Head inform an employee of a recommendation for a pay increase prior to approval of the increase by the City Manager. Final approval of pay increases rests with the City Manager.

2. Completion of Probationary Period

Probationary periods serve dual purposes: (1) to permit both parties to assess the employee's performance in a new position; and, (2) to allow an opportunity for the employee to develop knowledge, skills, and abilities. The immediate supervisor shall provide the probationary employee performance feedback periodically throughout the probationary period.

Employees being considered for regular employee status shall have demonstrated performance levels sufficient to warrant any pay increase. If the Performance Appraisal Report at completion of the probationary period reflects less than satisfactory performance, the probationary period may be extended for a period not to exceed 90 calendar days, to allow the employee to bring her or his performance up to the expected level, or action may be taken to demote, reassign, or terminate employment. A probationary employee may be dismissed or returned to a former position, if available, at any time.

3. Merit Pay Increase

Employees, who have received a rating of ~~satisfactory~~ Meets Standard or above on the Performance Appraisal Report, may receive a merit pay increase.

4. Pay Increase Withheld

If an employee fails to receive a satisfactory rating or above on the Performance Appraisal Report, then a pay increase will be withheld. In such a situation, an employee may be provided a period of time not to exceed 90 calendar days to bring performance up to a satisfactory level. At the conclusion of this time period, a recommendation shall be forwarded to the City Manager, indicating whether the employee should receive a one-step increase in the case of police officers and sergeants or a pay adjustment for all other employees. Any increase shall not be retroactive. If performance does not improve to a satisfactory level, disciplinary action may be taken.

**C. Compensation Adjustment Due to Change in Position**

1. Promotion

When an employee is promoted to a position with a higher pay range, the employee will receive a pay increase to the next step on the new pay range or 5%, whichever is higher unless the Department Head submits appropriate justification to the City Manager for approval, recommending a higher pay increase and the recommendation is approved. Upon satisfactory completion of the probationary period, the promoted employee will be eligible for a pay increase in accordance with this policy and the employee's anniversary date will be adjusted to 12 months from the effective date of the promotion.

2. Reclassification

When an employee's position is reclassified to a higher pay range, the employee will receive a pay increase to the next step in the new pay range or 5%, whichever is higher. The employee's anniversary date may remain

the same with any reclassification. When an employee's position has been reclassified to a lower pay range, due to no fault of the employee's performance, the employee's pay shall remain the same if the pay is higher than the last step of the new range, and the City Manager shall red-line the pay until the new range reaches the employee's pay level.

### 3. Transfer at Same Pay Range

When an employee is transferred from one classification to another classification having the same pay range, the employee's pay shall remain the same. The employee normally will not be placed on a probationary status. However, if the duties and responsibilities are sufficiently different than those previously performed, the Department Head may recommend to the City Manager that the employee be placed on a probationary status. If no probationary period is required, then the employee's anniversary date shall remain the same. If a probationary period is required, then the employee's anniversary date will be adjusted from the effective date of the appointment to the new position.

### 4. Demotion for Non-Disciplinary Reasons

If an employee is demoted to a classification having a lower pay range for reasons that do not relate to performance or disciplinary action, the employee shall receive the same or closest pay in the pay range of the lower classification. If the employee's pay rate is not within the lower pay range, the employee's pay may be decreased to the maximum pay on the lower pay range, or the City Manager may elect to red-line the employee's salary until the new range reaches the employee's range.

### 5. Demotion for Disciplinary Reasons

When an employee is demoted for disciplinary or job performance reasons, then there shall be a corresponding reduction in pay, and the employee will be placed in a new probationary period.

### 6. Temporary Reassignment to Higher Classification

Where an employee is temporarily reassigned to a position in a higher classification for a period in excess of 80 work hours, (excluding vacation), such employee shall receive a pay increase of one step in the case of police officers and sergeants, or 2 ½% for all other employees above the employee's existing pay rate for the duration of the reassignment, including the initial 80 work hours. If such employee's existing pay rate is the final step of the assigned salary range, the employee shall receive a pay adjustment to the step in the higher classification which is nearest to, but exceeds, the employee's existing pay.

## **D. Rates of Pay and Pay Periods**

### **1. Rates of Pay**

Each employee shall be paid a rate within the pay range for the class in which they are employed, except employees that have red-lined pay. Rates of pay are contained in the City's Compensation Plan. The Compensation Plan includes pay ranges as submitted by the City Manager to the City Council for approval as part of the budgetary process.

Except as otherwise provided in this Manual, an employee will be appointed or reinstated at the starting pay rate for the class they are assigned. If a Department Head believes it is necessary to make an appointment or reinstatement above the starting salary rate, authorization must be obtained from the City Manager. In determining such requests, the City Manager shall consider the qualifications of the candidate, availability of applicants, and the pay associated with similar positions.

### **2. Pay Periods and Pay Dates**

Employees will receive their pay checks on a bi-weekly basis. The pay period shall end on Friday at 11:59 P.M. on alternating weeks. Pay checks will be issued on Friday.

Employees may receive their paycheck prior to the normal pay period provided one of the following circumstances applies:

- a. Emergency circumstances exist and early pay is approved by the Department Head.
- b. Employee is absent from the office on payday due to City business.

Requests for early paychecks must be submitted to the Human Resources Department.

### **3. Overtime Compensation**

The City will pay overtime to non-exempt employees who work in excess of 40 hours in their designated workweek. For purposes of calculating overtime pay, vacation, sick leave, holiday, and other leave shall not be considered hours worked.

- a. Employees eligible for overtime shall be compensated at a rate of one and one-half times their regular rate of pay or compensatory time as set forth below.
- b. Overtime shall be limited insofar as possible.



- c. Nonexempt employees shall not be permitted to perform work more than seven minutes prior to their normal starting time nor more than seven minutes after the completion of their normal work period without prior approval from their immediate supervisor or unless the employee is working on an emergency basis. Emergency call outs or emergency work activities must be documented within 48 hours after completion of the work so that overtime compensation may be recorded. Employees must receive approval from their supervisor prior to performing non-emergency overtime activities. If overtime activities are a regular or periodic part of an employee's work schedule, then a supervisor may provide advance written approval to an employee for this overtime.
- d. Pursuant to ARS 23-392, the Police Department may approve the use of paid sick leave, PTO and holidays for sworn personnel to meet the workweek or work cycle and earn overtime under the following conditions:
  - 1. Overtime is accrued while working a special detail not related to the employee's regular source (i.e., Department of Homeland Security Stonegarden Operations).
  - 2. When using sick leave or PTO to meet the workweek or work cycle with authorization from the employee's respective division commander.
  - 3. Paid Holidays may be used to accumulate overtime with the division commander approval for project-funded overtime only.
- e. Employees will not work over 16 hours in any consecutive 24-hour time period without supervisor approval.
  - 1. A 24-hour time period begins at the time an employee reports to duty after a minimum eight consecutive hours off duty.

Employees whose permanent residence is outside of the 30 minute response time shall add the total amount of travel time to the eight-hour rule.
  - 2. An employee will not report for duty or remain on duty after the conclusion of a 24-hour time period without having had eight consecutive hours off duty unless

there is an emergency situation and with approval by a supervisor.

3. Work shall include regularly rescheduled work time, overtime and extra duty time\*

- f. Failure to abide by this policy may result in discipline, up to and including termination.
- g. Notwithstanding anything set forth in this policy, all overtime and hours worked, approved and unapproved, shall be paid.

#### 4. Compensatory Time

Non-exempt employees may receive compensatory time in lieu of overtime pay, at a rate of one and one-half hours for each hour of overtime worked, provided the employee and the Department Head agree to the compensatory time accrual prior to the performance of the work.

The maximum accrual for compensatory time shall be 80 hours. An employee may use accrued compensatory time provided the employee receives advance approval from the immediate supervisor and the compensatory time off does not disrupt the operations of the department. Requests for compensatory time usage must be submitted a minimum of 72 hours in advance of leave. The City Manager may temporarily suspend the accrual of compensatory time.

Upon transfer to another department, the employee must be paid out the entire balance of their compensatory time account before moving to the new department.

Additionally, upon termination, the employee shall be compensated on her or his final paycheck for the entire balance of her or his compensatory time account.

#### 5. Holiday Compensation

- a. Any regular, non-exempt employee who is required to work on a City-designated holiday shall be paid for all hours actually worked, and shall also be entitled to holiday pay at the employee's regular rate of pay for a maximum of eight hours at time and half (1 ½ times the regular rate of pay)
- b. Seasonal or temporary employees are not entitled to holiday compensation.
- c. Any non-exempt employee who is not required to work on a

City-designated holiday will be eligible to receive holiday leave pay if the employee works or is on approved leave with pay the last working day before and the first working day after the holiday unless absent due to an extreme emergency, which the employee could not have reasonably foreseen. In order to be compensated holiday leave pay, the employee may be asked to provide written documentation of the emergency (i.e., physician's note, police report, etc.) If an employee is eligible for holiday leave pay, he or she will receive eight hours of pay at the employee's regular rate of pay as compensation for the holiday.

#### 6. Red Line Rates of Pay

Based upon position classification studies or wage and salary surveys, the City Manager may authorize red-line rates of pay. A red-line salary is in excess of the maximum rate of pay assigned to the position classification. No salary adjustments, including ~~market (or cost of living) and~~ merit increases, shall be effective for an employee with a red-line salary.

#### 7. Call-Back Pay

The call-back procedure is established to provide for emergency situations where it is determined that additional assistance is required resulting in an employee being called into duty outside of their normal working hours. To qualify for call-back pay an employee must have been relieved from duties for two or more hours. If an employee is called back to work after being relieved from work less than two hours, then the employee is in a holdover status. Holdover status is a continuation of the employee's previous shift. Departmental Directives may have stricter provisions to Call-Back and Overtime Pay.

Example 1: Jerry is a non-exempt employee. He has worked a regular 40-hour week Monday-Friday. On Saturday morning, a fierce storm blows through the City. Some City staff members are called back to work to help clean up the debris on local roads that is presenting a danger to drivers. He works for six (6) hours. Jerry will receive six hours at 1½ times his regular rate of pay because he was called back.

Example 2: Maria is a part-time non-exempt employee who has worked 20 hours this week Monday-Friday. On Saturday morning, a fierce storm blows through the City. Some City staff members are called back to work to help clean up the debris on local roads that is presenting a danger to drivers. She works for six (6) hours. Maria will receive six hours at 1½ times her regular rate of pay because she was called back.

Example 3: Fred is a non-exempt employee. He has worked a regular 40-hour week Monday-Friday. On Saturday morning he is asked to make sure the City Hall doors are secure. It takes him one (1) hour to check the doors.

Fred will be paid for two (2) hours of work at 1½ times his regular rate of pay because he was called back.

The following are examples of what does not qualify for Call-back pay: Kennel feeding, opening/closing ball fields, rounds and readings. Any assignment or duty assigned or pre-scheduled assignment. Example 1: Tom is scheduled to conduct “rounds and readings” four days out of the week. This is part of his normal work week assignment. Although this work assignment might fall on a weekend or holiday, this would not be considered a “call-back” nor an emergency so is not compensable under the Call-Back pay policy.

Example 2: Norma is scheduled to do weekend kennel cleanings. This has been scheduled as part of her normal work week assignment. This would not be considered a “call-back” nor an emergency so is not compensable under the Call-Back pay policy.

#### 8. Longevity Pay Program

Regular full-time and part-time employees shall be eligible for longevity pay for every five years of continuous service completed by December 1 of a year in increments of \$500.00. For example, an eligible employee who has completed five years of service by December 1 would receive \$500.00 in longevity pay, and an employee who had completed 20 years of service would receive \$2,000.00. An eligible employee, who terminates employment prior to December 1<sup>st</sup> of the year, shall not be eligible for longevity pay. Longevity pay is subject to budget availability and is awarded at the Council’s discretion.

#### 9. Time Clock

All non-exempt employees must use the City timekeeping system. (cross reference Time/Attendance).

#### 10. Critical Service Pay

Critical service pay is provided to non-exempt employees when it is necessary to prepare, or respond, to an event to ensure critical City services are continued, or requires a City Department to be staffed, or prepared to staff, a 24 hour schedule (excluding Police). Such pay must be approved by an authorized supervisor prior to performance of critical service duties.

When an employee reports to work for their regularly scheduled work day and is sent home during any portion of the day in order to prepare to staff a later shift, the employee will be paid for their regularly scheduled hours. Employees who are called back to duty at a later time during that workday will be paid according to the call out policy.

Employees who are sent home in preparation of staffing a later shift must not consume substances (including but not limited to alcohol, drugs or the use of any intoxicant, including prescribed or over the counter substances) which may impair their ability to promptly, effectively and safely carry out their duties), which may impair their ability to promptly, effectively, and safely carry out their duties when reporting back to work.

Common applications of this policy will be for flood assistance or other critical service type situations that require a 24-hour response or attention, as determined by the Department Director or City Manager.

This regulation also applies to authorized temporary employees.

#### 11. On Call Pay

On Call pay is a specific class of automatic overtime for non-exempt employees (and authorized temporary employees) who may be assigned on call duty to respond to situations outside of their scheduled work hours. On call assignments will be made at the discretion of the Department Head or designee. On call availability requires that employees can be easily reached by telephone or other acceptable means of communication (pager, email, text messaging, etc.). Additionally, on call duty requires employees to be available to respond within a reasonable period of time but no more than one hour or as dictated by the division or department standards. Employees on on-call duty must not consume substances (including but not limited to alcohol, drugs or the use of any intoxicant, including prescribed or over the counter substances) which may impair their ability to promptly, effectively and safely carry out their duties, but may otherwise use their time as their own. Failure to respond to calls in a reasonable period but no more than one hour or as determined by division or department standards, or reporting to work unfit for duty will result in discipline up to and including termination.

A fixed amount of on call pay will be paid per day to non-exempt employees whether a call out occurs or not. During a scheduled work day, employees on on-call will be compensated one (1) hour salary per day at the rate of time and one half. During City observed holidays, employees on on-call will be compensated at two (2) hours salary per day at the rate of time and one half.

#### **. Work Days**

Scheduled work day

City Observed Holiday

#### **On call Compensation**

1 hour of pay @ 1.5 times the hourly rate

2 hours of pay @ 1.5 times the hourly rate

## POLICY STATEMENT

**Subject: Employment**

Origination date: 07/24/02

Revision date: 09/26/05, 11/14/05, 12/10/07,  
1/12/09, 10/24/2016

Policy number: 300

### **Purpose**

The purpose of this policy is to provide guidance with respect to recruiting, selecting, and retaining qualified personnel for City jobs.

### **Policy**

#### **A. Equal Opportunity Employment**

The City is firmly committed to a policy of Equal Employment Opportunity and will comply fully with all laws guaranteeing equal employment opportunity and prohibiting discrimination and harassment on the basis of any characteristic protected by law.

The City endeavors to make all of its programs, services, facilities, and employment opportunities available to, accessible for, and usable by qualified individuals with disabilities pursuant to the Americans with Disabilities Act. It is the policy of the City not to discriminate on the basis of physical or mental disabilities in any of its policies, procedures, and practices. The City will make reasonable accommodations for the known physical or mental limitations of qualified employees with a disability, unless to do so would impose an undue hardship on the City's operations.

Management personnel at every level share in the responsibility for ensuring all personnel actions within their area of responsibility comply with this policy.

#### **B. Recruitment and Selection**

The purpose of the recruitment and selection process is to ensure that all position vacancies are filled with qualified individuals. The Human Resources Department in cooperation with Department Heads will coordinate recruiting efforts.

#### **C. Personnel Files**

The Human Resources Department will maintain a personnel file for each individual employed by the City.

#### **D. Probationary Period**

Although there is no guarantee of employment for any specific length of time, certain employees will be required to complete a probationary period. For new employees, the first 12 months from date of hire or from date of academy graduation for officers hired without certification serves as the probationary period. Other probationary periods will be for a period set forth in the Administrative Guidelines or as otherwise determined by the City Manager.

During any probationary period, the City may dismiss, suspend, or demote the employee, with or without cause and without notice. Probationary employees do not have access to the appeal process or other termination rights laid out in the City's policies or administrative guidelines.

Upon satisfactory completion of the probationary period the employee becomes a regular employee. Regardless of status or duration of employment, all employees must meet and maintain City standards for job performance.

#### **E. Retirement**

According to State statute, City employees working 20 or more hours per week (in 20 or more weeks per year) must participate in the Arizona State Retirement System (ASRS). Sworn Police Officers must participate in the Arizona Public Safety Personnel Retirement System (PSPRS), unless they have already retired from PSPRS.

#### **F. Layoffs**

The City Manager may lay off an employee due to shortage of funds, curtailment of work, abolishment of position, a material change in duties, or for other reasons deemed necessary by the City Manager.

#### **G. Contracts**

Certain positions are at-will and may serve at the discretion of the Mayor and Council on a contractual basis not specifying a guaranteed length of service.

#### **H. Benefits**

The City offers benefits to its employees. Specific details on these programs can be obtained from the Human Resources Department.

#### **I. Certified Peace Officer Hiring Bonus**

1. Persons hired by the City as Police Officers who are already certified by Arizona Peace Officers Standards and Training (AZ POST) through the AZ POST challenge examination and testing are eligible

for a one-time hiring bonus of \$2,000.00. Certified Police Officers re-hired by the City within 24 months from separation from the City may be eligible for the hiring bonus at the discretion of the City Manager.

2. The bonus will be paid in two parts:
  - a. \$500.00 will be paid at time of hire.
  - b. The remaining \$1,500.00 will be paid upon the successful completion of the employee's probationary period.
3. Should the employee leave the City Police Department prior to the completion of the probationary period, the remaining \$1,500.00 bonus will not be paid and the \$500 bonus shall be repaid to the City.
4. Employees who leave the City Police Department after having completed one full year of regular status employment but who do not complete two years of regular status employment shall reimburse the City of Eloy \$1,000.00 of the bonus.
5. Employees who leave the City Police Department after having completed two years of regular status employment but who do not complete three years shall reimburse the City \$500.00 of the bonus.
6. Employees who complete three years of regular status employment shall not be obligated to reimburse the City for the bonus.



## ADMINISTRATIVE GUIDELINES

### **Subject: Recruitment of City Staff**

Origination date: 07/24/02

Revision date: 03/24/03, 1/12/09, 10/24/2016

Guideline number: 310

### **Purpose**

The purpose of these guidelines is to communicate the recruitment process.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

#### **A. Requests to Recruit**

When a vacancy exists or is anticipated, the Department Head shall request, in writing, to the Human Resources Director the recruitment of applicants. The Human Resources Department shall develop and maintain a complete job description, performance objectives, and all exam materials and interview questions. The City Manager shall verify adequate funding to fill the vacant position prior to the start of recruitment.

#### **B. Posting of Job Announcements**

The Human Resources Department shall disseminate notices of position vacancies for departments to post in established work areas occupied by City staff. In addition, information on position vacancies may be sent to various recruitment sources.

Job announcements shall indicate that the City is an "Equal Opportunity Employer."

#### **C. Recruitment Process**

##### **1. Recruitment Scope**

While internal City candidates are encouraged to apply for vacant positions, City employees are not guaranteed appointment to an open position. The most qualified applicants shall be considered in the recruitment and selection process.

## 2. Eligibility Lists

- a. A list of candidates who have successfully completed the recruitment and interview process and who are eligible for future consideration may be placed on an eligibility list. Eligible candidates' names will be kept on the list in the Human Resources Department for six months after the individual is deemed eligible unless the department requests an extension.
- b. The Human Resources Department must post position vacancies to internal candidates and individuals on the eligibility list for a minimum of five working days. Qualified internal candidates and candidates from the eligibility list may be invited to the interview process by Human Resources in accordance with Human Resources' processes and procedures.

## **D. Application Forms**

Any applicant, including a person presently employed by the City, must apply by completing an application. Applicants may apply for more than one advertised position simultaneously, provided that a separate application form is completed for each open position.

For positions with an application deadline, completed applications must be received by the Human Resources Department by 11:59 p.m. of the closing date on the job announcement. Applications received after such time and incomplete applications will not be considered.

## **E. Screening of Applicants**

### 1. Minimum Qualifications

Applicants must possess the minimum qualifications stated in the job announcement. The determination as to whether a person meets the minimum qualifications shall be made by the Human Resources Department.

### 2. Examinations

- a. Written, verbal, or practical tests or other relevant examinations, as necessary, may be used to determine whether an applicant meets the qualifications for a position.

- b. The Human Resources Director shall determine the content of any examination after consulting with the appropriate Department Head. Another government agency or a private entity may administer an eligibility examination.

#### **F. Final Screening of Applicants**

The Human Resources Department shall send qualified applications to the Department Head for review. The Department Head shall select the most qualified applicants for screening. Applicants may be tested, asked to submit supplemental information, or referred to a Selection Committee for an oral interview.

The Selection Committee will be composed of at least three people. The Department Head may serve as chairperson. The chairperson will retrieve a copy of the approved set of interview questions from the department.

- E. All members must be present at all committee interviews. If a member is absent from any interview, that member is disqualified from participation in the evaluation and recommendation of the final candidate.
- F. The Selection Committee shall perform in an advisory capacity to the Department Head. The Selection Committee members shall refer the top applicants to the Department Head for a hiring recommendation. The Department Head may conduct any additional screening before making a selection.

#### **G. Candidate Travel Expenses**

For Department Head positions or above, the City may pay travel, lodging, meal, or other related expenses incurred by applicants for interviewing purposes with advance approval of the City Manager.

#### **H. Offer of Employment**

Once the Department Head has made a selection, the Human Resources Department shall prepare an offer letter. The offer letter shall be submitted to the City Manager with the candidate's application and résumé.

## **ADMINISTRATIVE GUIDELINES**

### **Subject: Methods for Filling Authorized Positions**

Origination date: 07/24/02

Revision date: 12/10/07, 10/24/2016, 11/20/17

Guideline number: 320

### **Purpose**

The purpose of these guidelines is to communicate options for filling vacant City positions.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

Following are the methods for filling positions:

#### **A. Promotion**

Promotion occurs when an internal employee applies for a promotional opportunity. Factors such as performance appraisals, recommendations, disciplinary actions, skills, credentials, and experience will be considered.

#### **B. Recruitment**

The process for recruitment is described in Administrative Guideline #310.

#### **C. Demotion**

Demotion occurs whenever an employee is moved to a position with reduced pay or status. Demotion may occur because of reorganization, discontinuation of a position, an employee's inability to properly perform assigned work, a disciplinary sanction, or a voluntary demotion.

#### **D. Transfer**

A transfer occurs when an employee moves from one position with the same job title to another position with the same job title or a different job title having the same pay range.

In all cases of employment with the City, the City reserves the right to transfer any employee at any time with cause or without cause.

#### **E. Acting Assignments**

The City Manager may authorize an employee to serve in an acting assignment for special studies or projects on a temporary basis. Assignments shall be for a minimum of 120 hours but shall not exceed six months. Employees shall be given a five percent increase or the entry level of the new pay range, whichever is higher, for the duration of the assignment. When a non-exempt employee takes an assignment in an exempt position, the employee assumes the exempt status for the duration of the assignment.

#### **F. Recall**

Employees with regular status who had a satisfactory employment record and who were separated from City service through no fault of their own shall be placed on a recall eligibility list for up to six months.

#### **G. Temporary Appointments**

The City Manager may make temporary appointments to positions for a limited time period in situations such as when the following are required: (1) extra staff; (2) substitutes for regular employees on leave; (3) seasonal workers; and (4) consultants on special projects.

The scope, duties, and other conditions of temporary employment are specified in a contract or offer letter issued by the City at the time of employment. Temporary employees are at-will employees and may be either on full-time or part-time basis, but are not regular status employees and are not subject to the benefits laid out in these policies and guidelines unless specified in the offer letter and will not extend longer than 24 months.

## ADMINISTRATIVE GUIDELINES

### **Subject: Longevity, Years of Service, and Anniversary Dates**

Origination date: 07/24/02

Revision date: 12/10/07, 3/22/10, 06/08/2015,

Guideline number: 330

10/24/2016

### **Purpose**

The purpose of these guidelines is to establish the accounting of service time for employees and define when service credit is established.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

#### **A. Longevity**

Longevity begins with the employee's initial appointment. Employment as a seasonal or temporary employee shall not be used in calculating longevity or toward the employee's years of service date.

Longevity shall be used for determining vacation leave accumulation.

#### **B. Continuous Years of Service**

An employee's continuous years of service will be calculated based on the date the employee initially begins employment with the City. The years of service must be continuous; any gaps in service re-set the service date. Exceptions to this guideline can be found in Administrative Guidelines 360 and 370.

#### **C. Anniversary Date**

##### **1. Use of Anniversary Date**

The anniversary date shall be the date the employee is placed in regular status. The anniversary date shall be used in determining the date on which an employee is to receive a Performance Appraisal Report.

## 2. Adjustment of Anniversary Date

Employees who assume a new job classification due to promotion, transfer, reclassification, or demotion may have their anniversary date adjusted to date the employee is placed in the new job classification.

All employees receiving a minimum of a “Satisfactory” rating on their written Performance Appraisal Report will be considered for a salary merit increase on the anniversary date, subject to funds budgeted by Council.

## ADMINISTRATIVE GUIDELINES

**Subject: Retirement**

Origination date: 07/24/02

Revision date: 03/26/03, 12/10/07, 10/24/2016

Guideline number: 335

### Purpose

The purpose of these guidelines is to establish procedures relating to retirement.

### Policy Communication

The policy establishing the City's direction related to Employment can be found in Policy #300.

### Guidelines

All eligible City employees must participate in either the Arizona State Retirement System (ASRS) or the Arizona Public Safety Personnel Retirement System (APSPRS). Retirement benefits begin on the first day of employment for qualifying employees.

The employee contributions for both retirement systems are determined as a percentage of gross monthly pay. Employer and employee contributions are determined by the State through an actuarial evaluation.



## ADMINISTRATIVE GUIDELINES

### **Subject: Probationary Period**

Origination date: 07/24/02

Revision date: 3/22/10, 10/24/2016,  
11/18/2016

Guideline number: 340

### **Purpose**

The purpose of this guideline is to establish a probationary period to be served by certain employees.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

#### **A. Probationary Status**

Probationary employees are at-will and may be terminated, demoted, or suspended, with or without cause and with or without notice. Probationary employees are not eligible to use the City's disciplinary appeal processes.

#### **B. Probationary Duration and Process**

1. New employees shall complete an initial probationary period of 12 months. Time worked on temporary detail shall be credited towards the probationary period.
2. An employee who is promoted shall complete a 6-month probationary period in the new position.
3. Upon completion of six months' probation, the new or promoted employee's supervisor will give the employee an intermediate Performance Appraisal Report to provide the employee with feedback. Upon completion of the 12-month probationary period, through a Performance Appraisal Report submitted at least 30 days prior to the end of the probationary period, the new or promoted employee's supervisor, through the Department Head, may recommend to the City Manager regular appointment, termination, reassignment, or extension of the probationary period for the new or promoted employee.
4. A new or promoted employee's probationary period may be extended due to performance, discipline, or other related reasons for a period not to exceed an additional 90 calendar days. The employee

shall be notified of the reason for the extension through the Performance Appraisal Report. A further Appraisal Report and decision on the employee's status shall be required at the end of the extended probationary period.

5. Any interruption of service during the probationary period may not be counted as part of such period.
6. Upon satisfactory completion of the probationary period, the employee becomes a regular employee.
7. An employee may be placed in probationary status for other reasons and for other durations, as set forth in this Manual.

### **C. Benefits Status during Probation Period**

#### **1. Leave**

Probationary employees may use any accrued sick leave.

#### **2. Accrual of leave**

Benefits earned in connection with time worked shall accumulate during an employee's probationary period.

#### **3. Health Insurance, Dental Insurance, and Life Insurance**

Eligible employees in a probationary period may enroll in the benefit programs, according to the terms of the program.

#### **4. Vacation leave**

Employees are eligible to use accrued vacation after six months from date of hire.

#### **5. Other Benefits**

- a. Deferred compensation and credit union participation are optional benefits that may begin immediately after employment.
- b. State and Public Safety Retirement participation is required for eligible employees and begins on the first day of employment.

## ADMINISTRATIVE GUIDELINES

### **Subject: Background and Reference Checks**

Origination date: 07/24/02

Revision date: 03/24/03, 1/12/09, 10/24/2016

Guideline number: 350

### **Purpose**

The purpose of these guidelines is to communicate the process for checking the necessary background information of candidates for City employment.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

#### **A. Reference Checks**

The Human Resources Director shall contact at least two references of the top ranked applicant and document his or her findings prior to recommending the applicant for appointment. For Police Department and Magistrate Court applicants, an in-depth background check authorized by the applicant will be completed prior to hire.

#### **B. Criminal History Record**

Each new appointment, including and temporary appointments, will be subject to the City's review of criminal history record provided by the Arizona Department of Public Safety. This will require that each employee submit to being fingerprinted by the City's Police Department. An applicant's criminal history may be grounds for rejection if it is job-related and consistent with business necessity.

Each City employee shall report to the Human Resources Director within 72 hours if he or she has been arrested, convicted, received deferred adjudication, or entered a guilty plea or nolo contendere for any felony or class 1 misdemeanor. Failure to do so will lead to discipline up to and including termination. Police need to refer to General Orders for specific guidelines.

#### **C. Medical Examination**

For those positions that require medical screening to obtain certification to perform the job, employment status will be contingent upon successful completion of a medical examination at the City's sole cost and by a physician selected by the City. In addition, the appointment of Police Department personnel may be contingent upon successful completion of a psychological examination.

#### **D. Substance Abuse Screening**

Employment status for a prospective new hire of the City may be contingent upon submitting to and successfully passing tests to determine the presence of illegal drugs, alcohol, or controlled substances in her or his system, as described in Administrative Guideline #1020. If the substance abuse screening results in a confirmed positive test, then the applicant will be disqualified from consideration for City employment for a minimum of six months, unless otherwise prohibited by law. Applicants who refuse to consent to substance screening or who attempt to tamper with the screening sample shall not be eligible for City employment. Substance screening shall be at the City's sole cost.

#### **E. Polygraph Test**

Employees in the Police Department may be required to successfully pass a polygraph test prior to employment with the City. All polygraph tests will be administered within the Police Department guidelines.

#### **F. Credit Checks**

Employees who are in financially sensitive positions may be required to authorize the City to perform a check of their credit history. All credit checks will be conducted in compliance with standards set forth by the Fair Credit Reporting Act, as amended.

#### **G. Motor Vehicle Records**

A driver's license check shall be conducted on all applicants who will be in a driving position and annually on all employees who, during the course of their employment, are required to operate a City vehicle or conduct City business in a personal car. Any combination of violations that would result in disqualification as determined by the Human Resources Director or Department Head will disqualify an applicant or current employee from employment.

A maximum of four points is allowable in a three year period on driving records.

No employee may drive for the City with any of the following violations in the past 3 years on their driving record:

1. Driving while intoxicated
2. Driving under the influence of drugs
3. Negligent homicide arising out of the use of a motor vehicle (gross negligence)
4. Operating a vehicle during a period of suspension or revocation
5. Using a motor vehicle for the commission of a felony
6. Aggravated assault with a motor vehicle
7. Operating a motor vehicle without the owner's authority (grand theft)
8. Permitting an unlicensed person to drive

9. Reckless driving
10. Speed contest
11. Hit and run (bodily injury or property damage)
12. Other violations of equal gravity

Any employee who drives for the City and who receives notice that his or her license to drive has been suspended or revoked, has been convicted of one of the above-mentioned violations, or who fails to renew an expired license, must report this to his or her supervisor and the Human Resources Director no later than the beginning of the first workday following receipt of the notice of suspension or revocation, conviction, or knowledge of the expiration; failure to report will result in disciplinary action, up to and including termination. An employee who properly reports a suspended, revoked, or expired driver's license may be reassigned to a non-driving position (if available) until the driving privilege has been reinstated by the State. If no alternate position is available, the employee may be subject to termination.

## ADMINISTRATIVE GUIDELINES

### **Subject: Resignation and Layoffs**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 360

### **Purpose**

The purpose of these guidelines is to define the process employees are expected to use when resigning from City employment. This guideline also defines the process to be used in the event that employees are laid off.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

#### **A. Resignation Procedures**

1. An employee may resign from City service by providing written notice to the employee's immediate supervisor, indicating the effective date of resignation.
2. The immediate supervisor shall forward copies of the written notice to the Human Resources Department and the Department Head.
3. The Department Head shall prepare the necessary personnel change of status form to remove the employee from the City payroll.
4. The Department Head shall coordinate the return of all City property including keys, City credit card, supplies, vehicles, and other City materials. The Department Head shall also provide the employee the options for receiving her or his final paycheck. Paycheck instructions shall be forwarded to the Human Resources Department.
5. All employees will be asked to complete an exit interview form, and will be given the opportunity to have an exit interview with the City Manager or Human Resources Director.

#### **B. Layoffs**

The City Manager may lay off an employee or employees due to shortage of funds, curtailment of work, abolition of position, a material change in duties, or as otherwise deemed necessary by the City Manager. The procedures for a layoff will typically be as follows:

1. Notification of Layoff or Impending Layoff

The City Manager will notify affected employees of an impending layoff, in writing, preferably 30 calendar days, or as soon as practicable, prior to the effective date of the layoff.

2. Order of Separation

When determining the order of separation for a layoff, the City Manager shall consider the following factors in this order:

- a. Employment Status

Part-time and temporary employees will be laid off before regular, full-time employees. New employees on probation will be laid off before regular employees.

- b. Position Considerations

Those positions that are more important in relation to the delivery of basic services provided by the City will be laid off last.

- c. Work Performance

Employees' work performance based upon the most recent performance appraisal reports and other documented evidence of performance, including disciplinary action, will impact the order of separation.

- d. Seniority

Finally, length of service, based on the longevity date, will be used to determine the order of separation.

3. Offer of Reassignment or Transfer

Any regular employee who has received notice of layoff will be considered for transfer to an open position they are qualified to perform. An employee who accepts transfer to a position in a lower classification will be placed on the layoff eligibility list.

4. Layoff Eligibility List

Names of regular employees who were separated from City service by layoff or transferred to a lower classification in lieu of layoff shall be placed on the City's layoff eligibility list, unless the employee notifies the City Manager that he or she is no longer interested in employment with the City.

#### 5. Recall of Employees on Layoff Eligibility List

Regular employees who were separated from City service by layoff or transferred to a lower classification in lieu of layoff shall be considered for non-competitive reinstatement or reassignment for any position vacancy that they are qualified to perform. The layoff eligibility list shall be effective for a period of six months. After six months, a laid-off employee will be removed from the eligibility list and will be required to go through the regular application process when a vacancy occurs within the City.

#### 6. Status of Recalled Employees

When a laid off regular employee is recalled to a position in the same classification the employee previously occupied, he or she shall return to regular status at the same pay step as when the employee was laid off. When a laid-off employee is recalled to a position in a higher classification than the one he or she occupied, he or she shall serve a probationary period and be placed in the pay grade of the new position, as described in the promotional pay guidelines. If a laid-off employee is recalled to a position in a lower classification than the one the employee occupied previously, and the employee's previous pay exceeds the new range, the employee's pay shall be red-lined and remain the same until the new range reaches the employee's pay level. A regular, laid-off employee who is recalled from the eligibility list shall return shall receive prior longevity and years of service credit.

### **C. COBRA**

Eligible employees whose employment is terminated will receive information regarding COBRA, along with the amount of monthly premium required to be paid by the employee to continue medical insurance.

It will be the terminating employee's responsibility to pay 102% of the full premium for this coverage. The 102% includes the cost of the premium previously paid by the City and the amount previously paid by the employee plus a 2% administrative fee. A check in the correct amount must be received by the City prior to the beginning of the premium month for coverage to be continued.



If the cost of medical coverage changes during the time the terminated employee is covered under by COBRA, the amount of monthly premium payable by that employee will be adjusted to comply with the 102% requirement stated above.

Employees who have questions about COBRA coverage should contact the Human Resources Department.

## ADMINISTRATIVE GUIDELINES

### **Subject: Reappointment to a City Position**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 370

### **Purpose**

The purpose of these guidelines is to establish the process for rehiring employees who have separated employment with the City.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

### **Guidelines**

Reappointment of a former employee may occur under two conditions:

#### **A. Following Layoff**

Procedures relating to reappointment following a layoff are outlined in Administrative Guideline #360 Resignations and Layoffs.

#### **B. Following Resignation**

With the approval of the City Manager and the Department Head concerned, a regular or probationary employee who resigned may apply and compete for future employment opportunities.

If a regular employee is rehired by the City within 90 calendar days of resignation, the employee shall receive prior longevity and years of service credit with no change in anniversary date. If the regular employee is re-hired after 90 days or if a probationary employee is re-hired, the employee shall be treated as an initial appointment, will not receive prior longevity credit, and will have her or his anniversary date begin on the date the employee is re-hired.

## ADMINISTRATIVE GUIDELINES

### **Subject: Employee Personnel Files**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 380

### **Purpose**

The purpose of this guideline is to define the process for maintaining employee personnel files, describe the conditions under which new material is added to the files, and to identify the conditions under which employee information will be released.

### **Policy Communication**

The policy establishing the City's direction related to Employment can be found in policy #300.

### **Guidelines**

#### **A. Release of Information to Prospective Employers**

Unless given written authorization by a current or former employee, or in cases involving the release of information as governed by the Arizona Police Officer Standards and Training Board requirements, only the following information will be provided to prospective employers seeking job references:

1. dates of employment;
2. job title at termination; and
3. verification of pay rate at termination.

An employee or former employee wishing to authorize the release of additional information must submit written permission to the Human Resources Department. If written permission is provided, upon approval of the City Manager, the Human Resources Department may provide the requested additional information.

#### **B. Employee Inspection of Files**

An employee may request in writing the opportunity to review her or his personnel file. Files can be reviewed in the Human Resources Department in the presence of a Human Resources Department representative. At the request of the employee, copies of materials included in such files shall be furnished to the employee within a reasonable time frame.

**C. Access to Files by Others than the Employee**

1. Department Heads and supervisors will have access to the personnel file of subordinates in their chain of command.
2. Hiring supervisors interested in an internal candidate will have access to the personnel file of the internal candidate.
3. The Human Resources Director will have access to personnel files for the purpose of carrying out necessary personnel transactions.
4. All requests for information on current or former employees made by parties other than the employee, Department Head, immediate supervisor, or hiring supervisor will be handled in accordance with the state's public records laws or appropriate legal process.

**D. Entry of Material into Files**

Human Resources Department employees will place all official documents relating to an individual's employment history with the City in the individual's personnel file.

**E. Medical and Confidential Files**

Personnel records containing medical and confidential information will be maintained in a separate file and will only be released on a need to know basis, unless authorization from the employee is received in writing or the release is required by law. Personnel records containing information of a confidential nature include: (1) medical information; (2) background investigations; (3) credit checks; (4) motor vehicle reports; (5) controlled substance drug and alcohol test results; (6) special accommodation request; (7) garnishments; (8) liens; (9) grievances; (10) exit interviews; and (11) investigative files.

**F. Removal of Materials**

Once material has been entered into an employee's personnel file it shall remain in the file in accordance with legal record retention requirements. No materials will be removed from an employees' personnel file without the approval of the City Manager.

After three years, an employee may petition the City Manager to remove disciplinary documents from the employee's official personnel file. However, due to public records laws, any disciplinary documents removed from an employee's file will be maintained in a separate file.

<b>ADMINISTRATIVE GUIDELINES</b>	
<b>Subject: Nepotism and Personal Relationships</b>	
Origination date: 07/24/02	Revision date: 10/24/2016
Guideline number: 390	

## **Purpose**

The purpose of these guidelines is to clarify the City's process for the hiring of relatives of current employees.

## **Policy Communication**

The policy establishing the City's direction related to Employment can be found in Policy #300.

## **Guidelines**

### **A. Definition of "Relative"**

Relatives shall be defined to include:

Mother	(in-law)	Husband
Father	(in-law)	Wife
Sister	(in-law)	Step children
Brother	(in-law)	Step parents (in-law)
Daughter	(in-law)	Grandchildren
Son	(in-law)	Grandparents (in-law)

### **B. Employment of Relatives**

Appointment, transfer, or promotion of a relative of a City employee to a position shall be permitted, provided that relatives shall not be employed in positions where:

1. One relative would be supervising the other; or
2. One relative works as the City Manager.

### **C. Change in Family Status**

In the event two employees of the City become relatives and, pursuant to the restrictions above, can no longer serve in their positions, then one of the affected employees must resign her or his City position unless one of the affected employees is qualified to transfer to an open City position. If both employees refuse to resign or are unable to transfer, then the affected employee with the least amount of seniority with the City shall be terminated.

## POLICY STATEMENT

**Subject: Performance Appraisal**

Origination date: 07/24/02

Revision date: 3/22/10, 10/24/2016

Policy number: 400

### Purpose

The Performance Appraisal System is used to document employee performance, foster professional development objectives, and to offer constructive feedback to employees. The Performance Appraisal Report shall serve as the basis for merit increases.

### Policy

#### A. Performance Management for Regular Employees

1. Each regular employee will receive a written Performance Appraisal Report at least once a year on her or his anniversary date.
2. Performance Appraisals will be based on the employee's job description, performance, and objectives. The Performance Appraisal Report should include examples of performance results.
3. Each employee and supervisor will develop a set of performance objectives for the upcoming review period. The supervisor will meet periodically throughout the year with the employee, to review the objectives, expectations, progress, and needed areas of improvement. If improvement is needed, a performance plan should be created.

#### B. Frequency of Appraisals

1. Employees shall typically be considered for salary merit adjustments on the employee's anniversary date following the submittal of a written performance report. The annual appraisal shall be used for merit pay considerations.
2. Appraisals should be completed at least 30 calendar days before an employee's anniversary date. Additional appraisals may be initiated when deemed appropriate. Performance appraisals may, but need not, include a recommendation for a salary increase depending on performance, budgeted funds available, and any other pertinent factors.

3. If an employee is receiving a promotion and has completed a minimum of nine months of her or his current anniversary year, the employee should receive a Performance Appraisal Report prior to promotion.

**C. Signatures on Performance Appraisal Reports**

The evaluator, normally the immediate supervisor, or the next supervisor in the chain of command shall sign the Performance Appraisal Report. The Appraisal Report shall also be reviewed and signed by the Human Resources Director and City Manager indicating approval as to form, before it is discussed with the employee.

## **POLICY STATEMENT**

**Subject: Staff Orientation, Training, Development, Education and Tuition Reimbursement**

Origination date: 07/24/02

Revision date: 09/26/05, 1/12/09, 10/24/2016

Policy number: 500

### **Purpose**

The purpose of this policy is to provide direction on the City's employee development and training efforts.

### **Policy**

It is the policy of the City to encourage professional development, including through new employee orientation, staff meetings, on-the-job training, job-related conferences and seminars, and continuing education.

#### **A. Eligibility for Training**

All City employees are eligible to participate in City-sponsored training, development, and educational opportunities, upon approval of the employee's supervisor.

#### **B. Training Priorities**

Since all training opportunities are subject to budget limitations, the City has established priorities for training and staff development. They are:

1. job-related training
2. developmental training
3. tuition reimbursement

#### **C. Police Officer Training Reimbursement**

1. The City expends an amount in excess of \$2,000.00 in training and equipment costs for individuals hired by the City as police officers who are required to attend a basic police training academy to become certified.
2. Employees the City sends to basic police training academy and who fail to successfully complete the probationary period shall repay the City up to \$2,000 for the cost of training and equipment.



3. Such employees who leave the City Police Department after having completed the probationary period but who do not complete one full year of regular-status employment shall reimburse the City \$1,500.00 for the cost of training and equipment.
4. Such employees who leave the City Police Department after having completed one full year of regular-status employment but who do not complete two years of regular-status employment shall reimburse the City \$1,000.00 for the cost of training and equipment.
5. Such employees who leave the City Police Department after having completed two years of regular-status employment but who do not complete three years shall reimburse the City \$500.00 for the cost of training and equipment.
6. Employees who complete three years of regular-status employment shall not be obligated to reimburse the City for the cost of training or equipment.

**D. Training/Conference/Tuition Reimbursement**

Attendance at any seminar, conference, or training, which costs the City \$1000.00 or more (including travel costs and fees), or any tuition reimbursement of \$1000.00 or more in any fiscal year, may require the employee to sign an agreement stating that, if he or she separates from City employment for any reason within one year of the date of receiving reimbursement or having such costs paid on his or her, the total amount may be withheld from the final paycheck. The City Manager will have the final authority to enforce the reimbursement of any training/conference/tuition reimbursement.

## **ADMINISTRATIVE GUIDELINES**

### **Subject: Training and Development**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 510

### **Purpose**

The purpose of these guidelines is to communicate the process for requesting job-related training, as well as the guidelines for compensation while attending training.

### **Policy Communication**

The policy establishing the City's support of on-going employee training and development can be found in Policy #500.

### **Guidelines**

#### **A. Job-Related Seminars, Conferences, or Workshops**

Employees may attend job-related seminars, conferences, or workshops as deemed appropriate by the employee's supervisor. Requests to attend such programs should be made to the employee's immediate supervisor in writing. Approval of training requests will depend on several factors, including budgeted funds, the necessity and benefits of the training, and work coverage during the employee's absence.

Employees may be required to attend certain sessions offered at the conference and discuss and report on the training after the course.

#### **B. Travel to and from Local Training**

Whenever possible, City employees will use a City vehicle when attending approved local training courses. An employee will not be reimbursed for mileage expenses when a personal vehicle is used and a City vehicle has been authorized and is available. Usage of the City vehicle shall be directly to and from training unless otherwise approved. No personal use of a City vehicle is allowed. Violations may be subject to disciplinary action, up to and including termination.

#### **C. Compensation for Non-Exempt Employees Attending Training**

Non-exempt employees, will be paid for time spent traveling, attending required training (as defined below), and conducting any work-related activities, in accordance with the Fair Labor Standards Act.

1. Required Training is defined as training that the employee must attend or that is directly related to an employee's position and attendance at which is approved by the Department Head. Such required training may include, but is not limited to:
  - State-mandated certification programs which are required to maintain current job status
  - Department-required training, as indicated on the annual performance plan or via departmental communication
  - City-mandated training programs required of all or a certain segment of City employees
  - Supervisor-mandated training programs which are designed to improve current job skills
  - Career-related programs sponsored by the Arizona Governmental Training Service or other public seminar companies
  - Certain employee-selected leadership or job-related training
  - Job-related conferences or seminars sponsored by a professional association
2. Voluntary training is defined as training that is attended entirely at the employee's option and is not a condition of continued employment with the City.

#### **D. Budgeting for Job-Related Training**

Funding for job-related seminars, conferences, workshops, trainings, and certifications will be budgeted in individual departmental budgets.

## ADMINISTRATIVE GUIDELINES

### **Subject: Tuition Reimbursement**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 520

### **Purpose**

The purpose of these guidelines is to communicate the process for requesting tuition reimbursement.

### **Policy Communication**

The policy establishing the City's support of on-going employee training and development can be found in Policy #500.

### **Guidelines**

#### **A. Eligibility**

All full-time, regular City employees are eligible to request tuition reimbursement, provided funds have been budgeted for tuition reimbursement. For attendance at a regionally accredited college or university, eligible employees may receive a maximum of \$2000 per fiscal year.

Courses eligible for tuition reimbursement should be directly related to the employee's job or reasonably anticipated to apply to a future City job, or otherwise further the interests of the City. Courses must be pre-approved by the Department Head.

Employees shall be limited to obtaining one Undergraduate degree and one Master's degree under this guideline.

#### **B. Costs**

Tuition reimbursement includes the cost of tuition, lab fees, and textbooks. Other fees and costs, including financial aid fees, course materials, parking fees, and graduation fees are the responsibility of the employee and are not reimbursable by the City.

### **C. Qualifying Grades**

To qualify for the reimbursement for a college course, the employee must receive a grade of "C" or better for an undergraduate course and a grade of "B" or better for a graduate course. Official grade reports must be submitted with the request for reimbursement. Reimbursement requests must be submitted within six months after the completion of the course.

### **D. Financial Implications**

Employees receiving financial assistance for education from grants, scholarships, or other sources must disclose the source(s) on the tuition reimbursement form. If an employee is receiving funding, other than loans, for her or his education from another source, the City will not provide reimbursement for the amount provided by those sources.

The employee is solely responsible for any tax implications associated with tuition reimbursement.

### **E. Tuition Reimbursement**

The City Manager will recommend to the Council a budget amount to be allocated to City Manager Department budget to support approved requests for tuition reimbursement.

### **F. Compensability**

The City considers time spent at courses and studying for courses that are eligible for academic tuition reimbursement as non-compensable. Employees who voluntarily attend college courses on their own time and are not eligible for compensation for time spent on these studies.

POLICY STATEMENT	
<b>Subject: Attendance and Leave</b>	
Origination date: 07/24/02	Revision date: 03/23/03, 02/04/04, 12/10/07,
Policy number: 600	1/12/09, 11/8/2010, 8/9/12, 2/11/13, 10/24/2016, 03/12/2018, 05/29/2018, 11/11/2021, <b>11/28/2022</b>

## Purpose

The purpose of this policy is to establish standard hours of work and holiday, vacation, sick leave, Personal Time Off (PTO) and Paid Sick Time (PST) Leave.

## Policy

### A. Hours of Work/Attendance

Department Heads are responsible for establishing a schedule of regular working hours for their respective departments to ensure optimum service delivery to the citizens of Eloy.

### B. Holidays

The following days shall be considered holidays for City employees:

New Year's Day  
 Martin Luther King Day  
 Presidents' Day  
 Memorial Day  
**Juneteenth National Independence Day**  
 Independence Day  
 Labor Day  
 Veterans' Day  
 Thanksgiving Day  
 Friday after Thanksgiving Day  
**Christmas Eve**  
**Christmas Day**  
~~New Year's Eve (1/2 day/4 hrs.)~~

### C. Vacation Leave

Employees hired before April 12, 2018 are eligible to select for vacation leave accrual, instead of PTO leave. No employee shall receive vacation leave pay in excess of the amount accrued. Employees hired after April 12, 2018 will be

enrolled in the PTO program and not have the option to enroll into vacation leave accrual.

Full-time employees, hired prior to April 12, 2018, shall accrue vacation leave on the following basis:

Job Classification	Years of Service	Vacation Hours Earned per Pay Period	Maximum accrual of hours
Full-time Employees	10 or more years	<b>6.16</b>	<b>400</b>
		<b>4.62</b>	<b>300</b>
	5-9 years		
	0-5 years	<b>3.08</b>	<b>200</b>
Part-time Employees	10 or more years	3.08	400
		2.31	300
	5-9 years		
	0-5 years	1.54	200
Dept. Heads	5 or more years	<b>6.16</b>	<b>400</b>
	0-5 years	<b>4.62</b>	<b>300</b>

# 1. Vacation Accrual for Part-Time, Temporary, and Seasonal Employees

Part-time employees, hired prior to April 12, 2018 and who waive enrollment in the PTO program, shall accrue a prorated amount of vacation leave based upon the employee's normal work schedule. Seasonal and

temporary employees shall not accrue vacation leave.

## 2. Maximum Accrual

Employees hired prior to April 12, 2018 and who remain on the traditional vacation leave accrual are subject to accrual limits, as set forth in the chart above. Hours accrued over the limit will be lost until the employee's total hours fall below the maximum number of hours set forth in this policy, unless the City Manager provides written authorization for an employee to exceed accrual limits.

## Change of Employee Status

When an employee is promoted, demoted, transferred, or changes to full-time or part-time status, the employee shall not lose accrued vacation leave and will not have an option to transfer to the PTO program if opted to remain in the traditional vacation accrual. However, the rate at which the employee accrues vacation leave may change.

Employees not on a full-time leave of absence will accrue vacation hours at a prorated rate according to the actual hours worked. An employee on full-time unpaid status will not continue to accrue vacation hours until he or she returns to work.

## 5. Pay upon Termination

When an employee separates from employment with the City, the employee will be paid for all unused vacation leave at the rate he or she was paid on the date of termination.

## 6. Disciplinary Action

Forfeiture of accrued vacation leave as a disciplinary action shall not be authorized.

## D. Paid Sick Leave

Employees hired before April 12, 2018 are eligible to select ~~for~~ sick leave accrual, instead of PTO leave. Paid sick leave is provided to assist regular and probationary employees unable to report to work because of personal illness or to care for a family member, as defined in A.R.S 23-371, who becomes ill. Employees hired after April 12, 2018 will be enrolled in the PTO program and not have the option to enroll into sick leave accrual. Temporary and seasonal employees ~~do not~~ shall qualify for paid sick leave accrual under Guideline #690, pursuant to Arizona State Law.

Upon approval from the Department Head, sick leave may be used to extend



funeral leave (Guideline #660).

Full-time employees accrue sick leave on the following basis:

	Accrual per Pay Period	Maximum
Full-time Employees	<b>3.70 hours</b>	720

Part-time employees, hired before April 12, 2018, shall receive a prorated accrual of paid sick leave based upon their normal work schedule. Seasonal and temporary employees shall be paid accrue sick leave under PST Leave (Guideline 690).

1. Paid Sick Leave, for employees not on PTO Program, upon Separation from City Service in Good Standing

Unused accrued paid sick leave shall be paid to employees who leave City service in good standing as follows:

- D. Five through nine years of service – 10% percent of unused sick leave, up to a maximum of 72 hours.
  - E. 10 through 14 years of service – 15% percent of unused paid sick leave, up to a maximum of 108 hours.
  - F. 15 through 19 years of service – 25% percent of unused paid sick leave, up to a maximum of 180 hours.
  - G. 20 years of service or more – 50% percent of unused paid sick leave, up to a maximum of 360 hours paid.
2. Discipline

Forfeiture of accrued sick leave as a disciplinary action shall not be authorized.

3. Change of Employee Status

When an employee is promoted, demoted, or transferred, the employee shall not lose accrued paid sick leave. However, if the employee changes to full- or part-time status, the rate at which the employee accrues paid sick leave may change.

Employees not on a full-time leave of absence will accrue sick leave at a prorated rate according to the actual hours worked. Any employee ~~on full-time~~ on unpaid status will not continue to accrue sick leave, after 40 hours have been exhausted, until he or she returns to work.

#### **E. Separation Sick Leave Incentive Program**

Employees who become eligible for normal retirement as defined in the Arizona Revised Statutes §38-711 (Definitions), have a minimum of five (5) consecutive years with the City of Eloy and are not participating in the PTO program, are eligible to participate in the City of Eloy Separation Incentive Program. For a period of six (6) months after reaching the eligibility date of normal retirement, an employee may give notice of separation from the City and receive payment for accrued unused sick leave at the rate of four hours of sick leave redeemed for every month of service, up to a maximum of 130 months (520 hours), from date of notice of separation until final date of employment.

Employees who elect to participate in the program are not eligible for reemployment with the City for a period of one year from the date of separation, except as approved by the City Manager in situations where reemployment is deemed advantageous to the City.

Retirees electing this program are not eligible for the Sick Leave Pay on Retirement Program (Policy #600 D.1.) and vice versa.

#### **F. Family and Medical Leave**

The City will establish a process with respect to employee leave to care for the serious health conditions of the employee or qualifying family members.

#### **G. Other Paid Leave Categories**

The City shall provide guidelines for the following types of additional leave to be available to employees.

1. Military Leave
2. Funeral or Bereavement Leave
3. Jury Duty Leave
4. Election Leave
5. Injury Leave
6. Administrative Leave

## **H. Personal Leave**

The City provides an opportunity for personal leave for employees who do not qualify for other forms of leave for a period not to exceed 30 calendar days in a year. The grant or denial of such leave will be at the sole discretion of the City.

## **I Personal Time Off (PTO)**

The City will offer Personal Time Off (PTO) to current and new employees. Full-time and part-time, regular, employees hired prior to April 12, 2018 shall have the option to remain on the traditional vacation/sick accrual program or convert to PTO. Any employee hired after April 12, 2018, will be required to accrue time under the PTO Program.

### **Regular Full-Time Employees assigned to an annual 2080 hour schedule**

<b>Completed Years of Service</b>	<b>Paid Time Off Accrual hours per Pay Period</b>	<b>Approximate Annual Accrual (hours)</b>
<1 year	6.92	180
1	7.31	190
2	7.69	200
3	8.08	210
4	8.46	220
5	8.85	230
6	9.23	240
7	9.62	250
8	10.00	260
9	10.38	270
10	10.77	280
11	11.15	290
12+	11.54	300

**Regular Part-Time Employees assigned to a minimum annual 1040 hour schedule**

<b>Completed Years of Service</b>	<b>Paid Time Off Accrual hours per Pay Period</b>	<b>Approximate Annual Accrual (hours)</b>
<1 year	3.46	90
1	3.65	95
2	3.85	100
3	4.04	105
4	4.23	110
5	4.62	115
6	4.62	120
7	4.81	125
8	5.00	130
9	5.19	135
10	5.38	140
11	5.58	145
12+	5.77	150

**J Paid Sick Time (PST) Leave**

The City will offer Paid Sick Time (PST) Leave to all non-benefited part-time employees and seasonal employees.

**K DONATION OF LEAVE**

The PTO Donation Program is established to allow a qualified employee a means of financial assistance through the contributions of paid time off from fellow employees. Eligible employees will be allowed to donate vacation/personal time from their unused balance to their co-workers in need of sick/personal time in accordance with Guideline #695. This policy is strictly voluntary.

CITY OF ELOY  
SEPARATION INCENTIVE PROGRAM  
ELECTION FORM

In accordance with City of Eloy Personnel Rules Policy #600 paragraph C:  
I, \_\_\_\_\_, having reached normal retirement with  
the Arizona State Retirement System or the Public Safety Personnel  
Retirement System (confirmation attached), do hereby notify the City that I will  
be retiring from the City employment and my last day of work will be \_\_\_\_\_  
\_\_\_\_\_.

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
Date

---

(FOR PERSONNEL USE ONLY)

Sick leave payout calculation: 4 hours per month up to 520 hours

Sick leave on the books at time of notice \_\_\_\_\_

Sick leave to be earned through last day of work \_\_\_\_\_

Total Available \_\_\_\_\_

Formula

Total available/eligible sick hours \_\_\_\_\_ divided by number of pay periods  
remaining until last day of work equals \_\_\_\_\_ additional hours per pay period.

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

## ADMINISTRATIVE GUIDELINES

### **Subject: Hours of Work and Attendance**

Origination date: 07/24/02

Revision date: 12/10/07, 1/12/09, 9/28/09,  
11/8/2010, 10/24/2016

Guideline number: 610

### **Purpose**

The purpose of these guidelines is to establish work hours and attendance guidelines.

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

Employees are expected to be at their work site during their scheduled work hours and will be disciplined if they do not meet departmental standards.

It is the employee's responsibility to notify his or her immediate supervisor, if possible, or the Department Head at least one hour prior to the scheduled work starting time regarding the reason for and the anticipated length of an absence. If an employee is unable to notify the immediate supervisor due to extraordinary circumstances, it is acceptable for an immediate family member to notify the employee's immediate supervisor, if possible, or the employee's Department Head, of an employee's absence within one hour of the scheduled starting time. Individual work circumstances may require more restrictive employee reporting requirements as dictated by departmental policy. However, nothing in this policy shall be implemented in a manner that violates the Family and Medical Leave Act.

Employee lunch hours and breaks shall be determined in accordance with individual departmental policies or guidelines, and shall be taken at a place other than the designated workstation. Breaks are not required. Breaks are a privilege and not a right.

#### **A. Absence Due to Declared Emergency Conditions**

When the City Manager sends employees home or asks that employees not report to work due to adverse weather conditions or other emergency situations, an Emergency Day exists. Employees required to be on duty due to the nature of their work should report to work, if possible, or contact their immediate supervisor for instructions on where to report to work. If the immediate supervisor cannot be reached, the employee should contact City dispatch at (520) 466-7324.

When an emergency day is declared, employees shall be compensated in the following manner:

1. Employees reporting to work based upon the nature of their duties or instructions from their supervisor to do so shall be compensated at one and one half times their regular rate of pay for the first 10 hours worked during the Emergency Day and two times their regular rate of pay for hours worked thereafter.
2. Hourly employees unable to report to work or ordered to remain away from work shall be compensated for eight hours at their regular rate of pay. Exempt employees shall be paid their full salary for each Emergency Day for which they are unable to report to work or instructed not to report, except that no compensation shall be due for any workweek in which an exempt employee performs no work for the City. Employees shall not lose vacation or compensatory time. The City Manager shall make the decision as to whether the employee cannot come into work or must be sent home and be compensated for that duration.

#### **B. Absence Without Authorized Leave**

An employee absent from duty for any period of time without authorization shall be subject to disciplinary action up to and including suspension or termination. If an employee is absent without notification and approval for three business days it will be the assumption that the employee has abandoned her or his position and he or she will be terminated absent significant extenuating circumstances.

#### **C. Flextime**

Employees who work 40 hours in any given work week shall “flex” extra hours within the same workweek, in accordance to Fair Labor Standards Act (FLSA) regulations, to avoid working in excess of 40 hours. If the employee cannot or does not flex his or her time worked so as to avoid overtime, and the employee works over 40 hours, those hours above 40 will be paid as overtime unless compensatory time is agreed upon prior to the work being done.

Department Heads are authorized to temporarily adjust the daily work schedule of the department within any given pay period. However, any adjustments beyond a pay period (80 hours) shall require prior approval of the City Manager.

#### **D. Hours Worked From Home or Other Locations After Work Hours**

For non-exempt employees, any time spent after hours working away from the office, such as from home, including checking e-mail, is considered time worked and must be approved by the employee’s supervisor prior to working. Non-exempt

employees are required to document and report all time worked away from the office and will be compensated for all working time in accordance with the Fair Labor Standards Act. However, non-exempt employees who work away from work, such as from home, without prior approval from their supervisor may be subject to disciplinary action.

#### **E. Time Clock Procedures**

1. Each non-exempt employee is required to swipe scan in at the beginning of the work day and swipe scan out at the end of the work day to keep an accurate record of all time worked. All non-exempt employees, with the exception of certified Police Officers, Sergeants, and Communications Officers, are required to take an uninterrupted lunch break of at least ½ hour every day, and must swipe scan out for this break. (Exception: “Field” employees will not have to return to their department to swipe scan in or out for lunch; timekeeping system will automatically deduct either 30 or 60 minutes, as pre-determined by the employee and authorized by the Department Head, for their lunch break.) Employees shall be responsible for notifying their supervisor, via a time adjustment form, if any modifications are made to their lunch schedule requiring a longer or shorter time period for lunch.
2. Each timekeeping unit has the capability to scan in and out any City employee regardless of the department they are assigned to work in. Employees are required to scan in/out at the nearest timekeeping unit located in their work area using their employee ID number and by placing a finger on the finger scan verification device. If there is a problem with the timekeeping unit, the employee must notify the supervisor immediately, or notify their Department Head if the immediate supervisor cannot be reached within 15 minutes of the initial problem (or within a reasonable time).
3. Employees must use the timekeeping system only for themselves. Employees may not have another employee swipe their ID card in or out, or use another employee’s code to log in or scan in for another employee. The timekeeping system recognizes the unique finger scan of each person in the system and will not allow a scan if the employee’s code and finger scan do not match. This is considered fraudulent reporting of time and is grounds for termination.
4. Employees shall not clock in more than seven minutes before or clock out more than seven minutes after their regularly scheduled shift, except when flexing time with prior supervisor approval. This provision does not in any way affect the requirement that employees arrive for work on time.
5. If it is discovered that a pattern of clocking in early or clocking out late exists, without the employee having secured prior approval from



a supervisor, disciplinary action may be taken up to and including termination of employment.

6. Non-exempt employees are permitted to work overtime only with prior authorization from the supervisor. Overtime includes scanning in early, scan out late, or working through the scheduled lunch period. Non-exempt employees who work overtime without prior authorization shall be appropriately compensated, but may be subject to disciplinary action, up to and including termination.
7. Any supervisor who knowingly approves a falsified time or leave record shall be subject to disciplinary action, up to and including termination.
8. Employees, who fail to scan in or out, shall notify their immediate supervisor and must complete a time adjustment form, as soon as possible.
9. If there are any changes to an employee's time, the employee must fill out a time adjustment form that must be signed by the employee, the immediate supervisor, and the Department Head.
10. If compensatory time is to be accrued, this must be discussed with the employee by the immediate supervisor or Department Head prior to the work being done and the employee must fill out the appropriate paperwork and turn it into the department payroll manager.
11. Employees called out in an emergency will report directly to the work location or the emergency site, as necessary, and will report all time worked directly to their supervisor, via a time adjustment form, as soon as practical.
12. All employees will be responsible for wearing their ID card at all times while at work.
13. Supervisors and time clock managers will treat password information as confidential information. Department Heads must request additional user remote access for backup staff to utilize the time clock management system.

## ADMINISTRATIVE GUIDELINES

### **Subject: Holidays**

Origination date: 07/24/02

Revision date: 1/12/09, 7/27/09, 8/9/12,  
10/24/2016, 11/11/2021, **11/28/2022**

Guideline number: 620

### **Purpose**

The purpose of this guideline is to establish how the City will administer scheduling and pay for employees who work on established City holidays.

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

The City Council establishes official holidays on which City offices are closed. However, to ensure the safety, security, and continued service of the community, some City functions will continue to operate on designated holidays. These functions include public safety functions, water, and other public works functions.

#### **A. Holiday Compensation**

Employees not eligible for Holiday Compensation: Seasonal or temporary employees are not entitled to holiday compensation. All other City employees are eligible.

Holiday: The twenty-four (24) hour period starting at midnight and ending at 11:59 p.m. of the day a City-recognized holiday observed.

Holiday Worked Pay is in recognition of employees who are required to work on an actual or observed City holiday. All eligible non-exempt employees will be compensated Holiday Worked Pay at one and half times the regular rate of pay.

Holiday Worked Pay shall be provided to employees who work the "observed" holiday; except that if any eligible employee works on the "actual" holiday, the employee will receive holiday worked pay for the "actual" holiday only, and not the "observed" holiday. For example, if the Fourth of July falls on a Saturday and is observed on Friday, an employee who works on both July 3 and July 4 shall receive Holiday Worked Pay for July 4 only. Under no circumstances will an employee receive Holiday Worked Pay for both an observed and actual holiday.

Holiday Pay: All eligible regular full-time employees shall receive up to eight hours of Holiday Pay (paid at the employee's regular rate of pay) on the observed holiday recognized by the City when the employee is off of work. However, if an employee works on the actual holiday, the actual holiday shall be the operative date for determining eligibility for Holiday Pay. Only a maximum of eight hours of holiday pay is allowed for any City holiday. An employee who works on an observed or actual holiday shall receive an amount of Holiday Pay that when added to the total hours worked equals the sum of eight. Employees who work eight or more hours on a City holiday are not eligible to receive Holiday Pay.

Any non-exempt employee who is not required to work on a City-designated holiday will be eligible to receive Holiday Pay if the employee works or is on approved leave with pay the last working day before and the first working day after the holiday, unless absent due to an extreme emergency which the employee could not have reasonably foreseen. An employee may be asked to provide written documentation of the emergency (i.e., physician's note, police report, etc.)

Regular Pay: Any full-time, non-exempt employee who works on a City holiday will be compensated for all actual hours work at their regular rate of pay. This is in addition to receiving holiday worked pay at 1 ½ times their rate of pay for hours worked and Holiday Pay (if eligible).

Example 1 – Employee A works four hours on a Holiday. Employee A will receive four hours of Holiday Worked Pay at 1 ½ times their rate of pay. In addition, the employee shall receive four hours of Holiday Pay at their regular rate of pay (four hours worked + four hours of Holiday Pay = eight hours). Employee A shall also be compensated for the four hours worked at their regular rate of pay.

Example 2 – Employee B works 12 hours for patrol on a Holiday. Employee B is not eligible for holiday pay, but will receive 12 hours of straight time for the hours actually worked and an additional 12 hours of Holiday Worked Pay at 1 ½ times the rate of pay.

~~Eligible employees shall receive eight hours of holiday pay for those holidays observed by the City. Full-time, non-exempt employees who are scheduled to work a City holiday will be paid actual hours worked in addition to eight hours of holiday pay at time and half (1 ½ times the regular rate of pay).~~

~~Holiday pay is not counted as hours worked for the purposes of calculating overtime compensation.~~

~~Part-time employees will receive prorated compensation for holidays on the same basis as their part-time work. Temporary and seasonal employees are not eligible for holiday compensation.~~

~~Note: Employee shall only be paid one day of "Holiday Pay", either the "observed" holiday or the actual "worked" holiday.~~

## **B. Holidays Falling on a Saturday or Sunday**

Generally, when a holiday falls on a Saturday, the City will observe it on the preceding Friday. If the holiday falls on a Sunday, the City will observe it on the following Monday. If Christmas Day falls on a Saturday, Sunday or Monday, then Christmas Eve, will be observed on the preceding workday. (Example, if Christmas falls on Monday, Christmas Eve will be observed on the proceeding Friday). The City Manager will have discretion to adjust such schedules as he or she deems necessary.

~~All eligible employees, including but not limited to, Sworn Police Officers, and Communication/Detention Specialists shall be compensated time and half (1 ½ times the regular rate of pay) on the "actual" holiday versus the "observed" holiday.~~

## ADMINISTRATIVE GUIDELINES

**Subject: Vacation Leave**

Origination date: 07/24/02

Revision date: 1/12/09, 11/8/2010, 10/24/2016

Guideline number: 630

03/12/2018

### Purpose

The purpose of these guidelines is to establish how the City will administer the scheduling of vacation leave.

### Policy Communication

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### Guidelines

Employee requests for vacation leave shall be reviewed with, and approved in advance, by the Department Head to ensure continuity of City services. Vacation requests shall be submitted as follows:

For five or more work days, a request shall be submitted at least 14 days in advance.

For three to four work days, a request shall be submitted at least one week in advance.

For less than three work days, 24 hours advance notice is required.

The Department Head may, in her or his discretion, approve vacation leave on less notice.

## ADMINISTRATIVE GUIDELINES

### **Subject: Paid Sick Leave**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 640

03/12/2018

### **Purpose**

The purpose of these guidelines is to establish how the City will administer the use and payout of sick leave.

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

Paid sick leave is provided for regular and probationary employees, excluding temporary and seasonal employees, who become ill and are unable to report to work or whose family members become ill and the employee is needed to care for the family member.

#### **A. Use of Paid Sick Leave**

Paid sick leave shall be granted to all probationary and regular employees of the City who have unused paid sick leave available.

Paid sick leave may only be used for personal illness or injury or to care for a family member who is sick or injured. Disciplinary action, up to and including termination, may be taken if an employee is using paid sick leave for purposes other than those defined in this Manual.

Employees who have exhausted paid sick leave may substitute accrued vacation leave upon written application and permission of the Human Resources Director.

~~In order to receive compensation while absent on sick leave, unless impracticable,~~  
An employee shall notify her or his immediate supervisor or the Human Resources Director at least one hour before her or his scheduled start time, unless impracticable.

An employee receiving temporary disability payments under the workers' compensation laws may use accumulated sick leave in order to maintain regular income. However, all employees receiving full pay in lieu of temporary disability must remit any funds received under workers' compensation to the City.

## **B. Outside Employment**

Employees may not work another job while on paid sick leave or injury leave. Any exceptions to this rule will require written approval of the employee's Department Head and the City Manager.

## **C. Other Forms of Leave**

Leaves covered by the Family and Medical Leave Act, the Americans with Disabilities Act, and other protected forms of leave are governed by the Administrative Guidelines specific to that leave or by applicable law.

## ADMINISTRATIVE GUIDELINES

### **Subject: Family and Medical Leave**

Origination date: 07/24/02

Revision date: 10/24/2016, 03/12/2018

Guideline number: 650

### **Purpose**

The purpose of these guidelines is to establish policies and procedures pursuant to the Family and Medical Leave Act (FMLA).

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

The City will provide FMLA leave to eligible employees. The City posts the mandatory FMLA Notice, and upon hire, provides all new employees with notices required by the U.S. Department of Labor (DOL) on Employee Rights and Responsibilities under the Family and Medical Leave Act in City offices.

The function of these guidelines is to provide employees with a general description of their FMLA rights. In the event of any conflict between this policy and the applicable law, employees will be afforded all rights required by law.

If you have any questions, concerns, or disputes with this policy, you must contact the Human Resources Department.

### **A. General Provisions**

Under this policy, the City will grant up to 12 weeks (or up to 26 weeks of military caregiver leave to care for a covered service member with a serious injury or illness) during a 12-month period to eligible employees. The leave may be paid, unpaid, or a combination of paid and unpaid leave, depending on the circumstances of the leave and as specified in this Manual.

### **B. Eligibility**

To qualify to take family or medical leave under this policy, the employee must meet all of the following conditions:

1. The employee must have worked for the City for 12 months or 52 weeks. The 12 months or 52 weeks need not have been consecutive.



Separate periods of employment will be counted, provided that the break in service does not exceed seven years. Separate periods of employment will be counted if the break in service exceeds seven years due to National Guard or Reserve military service obligations or when there is a written agreement stating the City's intention to rehire the employee after the service break. For eligibility purposes, an employee will be considered to have been employed for an entire week even if the employee was on the payroll for only part of a week or if the employee is on leave during the week.

2. The employee must have worked at least 1,250 hours during the 12-month period immediately preceding the commencement of the leave. The 1,250 hours do not include time spent on paid or unpaid leave.
3. The employee must work in a worksite where 50 or more employees are employed by the City within 75 miles of that worksite. The distance is to be calculated by using available transportation by the most direct route.

### **C. Types of Leave Covered**

To qualify as FMLA leave under this policy, the employee must be taking leave for one of the reasons listed below:

1. The birth of a child and in order to care for that child.
2. The placement of a child for adoption or foster care and to care for the newly placed child.
3. To care for a spouse, child, or parent with a serious health condition (described below). "Spouse" means a husband or wife, including those in same-sex marriages.
4. The serious health condition (described below) of the employee.

An employee may take leave because of a serious health condition that makes the employee unable to perform the functions of the employee's position or to care for a spouse, child, or parent with a serious health condition. A serious health condition is defined as a condition that requires inpatient care at a hospital, hospice, or residential medical care facility, including any period of incapacity or any subsequent treatment in connection with such inpatient care or a condition that requires continuing care by a licensed health care provider. This policy covers illnesses of a serious and long-term nature, resulting in recurring or lengthy absences. Generally, a chronic or long-term health condition that would result in a period of three consecutive days of incapacity with the first visit to the health

care provider within seven days of the onset of the incapacity and a second visit within 30 days of the incapacity would be considered a serious health condition. For chronic conditions requiring periodic health care visits for treatment, such visits must take place at least twice a year.

Employees with questions about what illnesses are covered under this FMLA policy are encouraged to consult with the Human Resources Director.

If an employee takes paid sick leave for a condition that progresses into a serious health condition and the employee requests unpaid leave as provided under this policy, the City may designate all or some portion of related leave taken as leave under this policy, to the extent that the earlier leave meets the necessary qualifications.

5. Qualifying exigency leave for families of members of the National Guard or Reserves or of a regular component of the Armed Forces when the covered military member is on covered active duty or called to covered active duty.

An employee whose spouse, son, daughter, or parent either has been notified of an impending call or order to covered active military duty or who is already on covered active duty may take up to 12 weeks of leave for reasons related to or affected by the family member's call-up or service. The qualifying exigency must be one of the following:

- a. short-notice deployment
- b. military events and activities
- c. child care and school activities
- d. financial and legal arrangements
- e. counseling
- f. rest and recuperation
- g. post-deployment activities, and
- h. additional activities that arise out of active duty, provided that the City and employee agree, including agreement on the timing and duration of the leave.

"Son" or "daughter" for this type of FMLA leave is defined the same as for child for other types of FMLA leave except that the person does not have to be a minor.

"Covered active duty" means:

- a. "Covered active duty" for members of a regular component of the Armed Forces means duty during deployment of the member with the Armed Forces to a foreign country.

- b. “Covered active duty or call to covered active duty status” in the case of a member of the Reserve components of the Armed Forces means duty during the deployment of the member with the Armed Forces to a foreign country under a Federal call or order to active duty in support of a contingency operation, in accordance with 29 CFR 825.102.

The leave may commence as soon as the individual receives the call-up notice. This type of leave would be counted toward the employee’s 12-week maximum of FMLA leave in a 12-month period.

- 6. Military caregiver leave (also known as covered servicemember leave) to care for an injured or ill covered servicemember.

The term “covered servicemember” means:

- a. a member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or illness; or
- b. a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

The term “serious injury or illness” means:

- a. in the case of a member of the Armed Forces (including a member of the National Guard or Reserves), means an injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member’s active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member’s office, grade, rank, or rating; and
- b. in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during a period when the person was a covered servicemember, means a qualifying (as defined by the Secretary of Labor) injury or illness incurred by a covered servicemember in the line of duty on active duty that may render the servicemember medically unfit to perform the duties of his or her office, grade, rank or rating.

“Outpatient status” means the status of a member of the Armed Forces assigned to either a military medical treatment facility as an outpatient; or a

unit established for the purpose of providing command and control of members of the Armed Forces receiving medical care as outpatients.

A “son or daughter of a covered servicemember” means the covered servicemember's biological, adopted, or foster child, stepchild, legal ward, or a child for whom the covered servicemember stood in loco parentis, and who is of any age.

A “parent of a covered servicemember” means a covered servicemember's biological, adoptive, step or foster father or mother, or any other individual who stood in loco parentis to the covered servicemember. This term does not include parents “in law.”

The “next of kin of a covered servicemember” is the nearest blood relative, other than the covered servicemember's spouse, parent, son, or daughter, in the following order of priority: blood relatives who have been granted legal custody of the servicemember by court decree or statutory provisions, brothers and sisters, grandparents, aunts and uncles, and first cousins, unless the covered servicemember has specifically designated in writing another blood relative as his or her nearest blood relative for purposes of military caregiver leave under the FMLA. When no such designation is made, and there are multiple family members with the same level of relationship to the covered servicemember, all such family members shall be considered the covered servicemember's next of kin and may take FMLA leave to provide care to the covered servicemember, either consecutively or simultaneously. When such designation has been made, the designated individual shall be deemed to be the covered servicemember's only next of kin. For example, if a covered servicemember has three siblings and has not designated a blood relative to provide care, all three siblings would be considered the covered servicemember's next of kin. Alternatively, where a covered servicemember has a sibling(s) and designates a cousin as his or her next of kin for FMLA purposes, then only the designated cousin is eligible as the covered servicemember's next of kin. An employer is permitted to require an employee to provide confirmation of covered family relationship to the covered servicemember.

An employee whose son, daughter, parent, or next of kin is a covered servicemember may take up to 26 weeks in a single 12-month period to take care of leave to care for that servicemember.

## **D. Amount of Leave**

An eligible employee can take up to 12 weeks for the FMLA circumstances listed in C (1) through (5) above under this policy during any 12-month period. The City will measure the 12-month period as a rolling 12-month period measured backward from the date an employee uses any leave under this policy. Each time an employee takes leave, the City will compute the amount of leave the employee has taken under this policy in the last 12 months and subtract it from the 12 weeks of available leave, and the balance remaining is the amount the employee is entitled to take at that time.

An eligible employee can take up to 26 weeks for the FMLA circumstance in C (6) above (military caregiver leave) during a single 12-month period. For this military caregiver leave, the City will measure the 12-month period as a rolling 12-month period measured forward. FMLA leave already taken for other FMLA circumstances will be deducted from the total of 26 weeks available.

If spouses both work for the City and each wishes to take leave for the birth of a child, adoption, or placement of a child in foster care, or to care for a parent (but not a parent "in-law") with a serious health condition, the spouses may only take a combined total of 12 weeks of leave. If spouses both work for the City and each wishes to take leave to care for a covered injured or ill service member, the spouses may only take a combined total of 26 weeks of leave.

## **E. Employee Status and Benefits During Leave**

While an employee is on leave, the City will continue the employee's health benefits during the leave period at the same level and under the same conditions as if the employee had continued to work.

If the employee chooses not to return to work for reasons other than a continued serious health condition of the employee or the employee's family member or a circumstance beyond the employee's control, the City will require the employee to reimburse the City the amount it paid for the employee's health insurance premium during the leave period.

Under current City policy, the employee pays a portion of the health care premium. While on paid leave, the City will continue to make payroll deductions to collect the employee's share of the premium. While on unpaid leave, the employee must continue to make this payment, either in person or by mail. The payment must be received in the Accounting Department by the 1st day of each month. If the payment is more than 30 days late, the employee's health care coverage may be dropped for the duration of the leave. The City will provide 15 days' notification prior to the employee's loss of coverage.

If the employee contributes to a life insurance or disability plan, the City will continue making payroll deductions while the employee is on paid leave. While the employee is on unpaid leave, the employee may request continuation of such benefits and pay his or her portion of the premiums, or the City may elect to maintain such benefits during the leave and pay the employee's share of the premium payments. If the employee does not continue these payments, the City may discontinue coverage during the leave. If the City maintains coverage, the City may recover the costs incurred for paying the employee's share of any premiums, whether or not the employee returns to work.

#### **F. Employee Status After Leave**

An employee who takes leave under this policy may be asked to provide a fitness for duty (FFD) clearance from the health care provider. This requirement will be included in the employer's response to the FMLA request. Generally, an employee who takes FMLA leave will be able to return to the same position or a position with equivalent status, pay, benefits, and other employment terms. The position will be the same or one which is virtually identical in terms of pay, benefits and working conditions. The City may choose to exempt certain key employees from this requirement and not return them to the same or similar position.

#### **G. Use of Paid and Unpaid Leave**

An employee taking FMLA leave must use all paid vacation, ~~personal~~, or sick or PTO leave prior to being eligible for unpaid leave.

Disability leave for the birth of a child and for an employee's serious health condition, including workers' compensation leave (to the extent that it qualifies), will be designated as FMLA leave and will run concurrently with FMLA.

#### **H. Intermittent Leave or a Reduced Work Schedule**

An employee may take FMLA leave in 12 consecutive weeks, may use the leave intermittently (take a day periodically when needed over the year) or, under certain circumstances, may use the leave to reduce the workweek or workday, resulting in a reduced hour schedule. In all cases, the leave may not exceed a total of 12 workweeks (or 26 workweeks to care for an injured or ill service member) over a 12-month period.

The City may temporarily transfer an employee to an available alternative position with equivalent pay and benefits if the alternative position would better accommodate the intermittent or reduced schedule, in instances of when leave for the employee or employee's family member is foreseeable and for planned medical treatment, including recovery from a serious health condition or to care for a child after birth, or placement for adoption or foster care.

For the birth, adoption, or foster care of a child, the City and the employee must mutually agree before the employee may take leave intermittently or work a reduced-hour schedule. Leave for birth, adoption, or foster care of a child must be *taken within one year of the birth or placement of the child.*

### **I. Certification for the Employee's Serious Health Condition**

The City will require certification for the employee's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The City may directly contact the employee's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator, or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. The City will obtain the employee's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee to get a certification from a second doctor, which the City will select. The City may deny FMLA leave to an employee who refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second or third opinion.

### **J. Certification for the Family Member's Serious Health Condition**

The City will require certification for the family member's serious health condition. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

The City may directly contact the employee's family member's health care provider for verification or clarification purposes using a health care professional, an HR professional, leave administrator, or management official. The City will not use the employee's direct supervisor for this contact. Before the City makes this direct contact with the health care provider, the employee will be given an opportunity to resolve any deficiencies in the medical certification. The City will obtain the employee's family member's permission for clarification of individually identifiable health information.

The City has the right to ask for a second opinion if it has reason to doubt the certification. The City will pay for the employee's family member to get a certification from a second doctor, which the City will select. The company may deny FMLA leave to an employee whose family member refuses to release relevant medical records to the health care provider designated to provide a second or third opinion. If necessary to resolve a conflict between the original certification and the second opinion, the City will require the opinion of a third doctor. The City and the employee will mutually select the third doctor, and the City will pay for the opinion. This third opinion will be considered final. The employee will be provisionally entitled to leave and benefits under the FMLA pending the second or third opinion.

#### **K. Certification of Qualifying Exigency for Military Family Leave**

The City will require certification of the qualifying exigency for military family leave. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **L. Certification for Serious Injury or Illness of Covered Service member for Military Family Leave**

The City will require certification for the serious injury or illness of the covered service member. The employee must respond to such a request within 15 days of the request or provide a reasonable explanation for the delay. Failure to provide certification may result in a denial of continuation of leave.

#### **M. Recertification**

The City may request recertification for the serious health condition of the employee or the employee's family member no more frequently than every 30 days unless circumstances have changed significantly, or if the employer receives information casting doubt on the reason given for the absence, or if the employee seeks an extension of his or her leave. Otherwise, the City may request recertification for the serious health condition of the employee or the employee's family member every six months in connection with an FMLA absence. The City may provide the employee's health care provider with the employee's attendance records and ask whether need for leave is consistent with the employee's serious health condition.



## **N. Procedure for Requesting FMLA Leave**

All employees requesting FMLA leave should provide verbal or written notice of the need for the leave to the Human Resources Director. Within five business days after the employee has provided this notice, the Human Resources Director will complete and provide the employee with the DOL Notice of Eligibility and Rights.

When the need for the leave is foreseeable, the employee must provide the City with at least 30 days' notice. When an employee becomes aware of a need for FMLA leave less than 30 days in advance, the employee must provide notice of the need for the leave either the same day or the next business day. When the need for FMLA leave is not foreseeable, the employee must comply with the City's usual and customary notice and procedural requirements for requesting leave, absent unusual circumstances.

## **O. Designation of FMLA Leave**

Within five business days after the employee has submitted the appropriate certification form, the Human Resources Director will complete and provide the employee with a written response to the employee's request for FMLA leave using the DOL Designation Notice.

## **P. Intent to Return to Work From FMLA Leave**

On a basis that does not discriminate against employees on FMLA leave, the City may require an employee on FMLA leave to report periodically on the employee's status and intent to return to work.

## ADMINISTRATIVE GUIDELINES

### **Subject: Other Paid Leave Categories**

Origination date: 07/24/02

Revision date: 1/12/09, 7/8/2013, 10/24/2016

Guideline number: 660

11/11/2021

### **Purpose**

The purpose of this guideline is to recognize and define those instances when employees may need to take leave, other than vacation or sick leave.

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

#### **A. Military Leave**

##### **1. Eligibility**

Employees taking part in a variety of military duties are eligible for benefits under this policy. Such military duties include leaves of absence taken by members of the uniformed services, including training for Reservists, National Guard members, periods of active military service, and funeral honors duty, as well as time spent being examined to determine fitness to perform such service. Subject to certain exceptions under the applicable laws, these benefits are generally limited to five years of leave of absence.

##### **2. Procedures for Military Leave**

Unless military necessity prevents it, an employee should provide the City with notice of the need for leave as far in advance as is reasonable under the circumstances.

Employees on temporary or extended military leave may, at their option, use any or all accrued paid vacation or personal leave during their absence. The City will provide up to 15 days per year of paid military leave, including training.

When the employee intends to return to work, he or she must make application for reemployment to Human Resources within the application period set forth below.

##### **3. Reemployment**

Upon an employee's application for reemployment (as defined below), an employee will be reinstated to employment in the following manner depending upon the employee's period of military service:

- a. *Less than 91 days of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service; or (ii) if found not qualified for such position after reasonable efforts by the City, in the position in which the employee had been employed prior to military service.
- b. *More than 90 days and less than 5 years of military service* - (i) in a position that the employee would have attained if employment had not been interrupted by military service or a position of like seniority, status, and pay, the duties of which the employee is qualified to perform; or (ii) if proved not qualified after reasonable efforts by the City, in the position the employee left, or a position of like seniority, status and pay, the duties of which the employee is qualified to perform.

#### 4. Application for Reemployment

An employee who has engaged in military service must, in order to be entitled to the reemployment rights set forth above, submit an application for reemployment according to the following schedule:

- a. *If service is less than 31 days (or for the purpose of taking an examination to determine fitness for service)* - the employee must report for reemployment at the beginning of the first full regularly scheduled working period on the first calendar day following completion of service and the expiration of eight hours after a time for safe transportation back to the employee's residence.
- b. *If service is for 31 days or more but less than 181 days* - the employee must submit an application for reemployment with Human Resources no later than 14 days following the completion of service.
- c. *If service is over 180 days* - the employee must submit an application for reemployment with Human Resources no later than 90 days following the completion of service.
- d. *If the employee is hospitalized or convalescing from a service-connected injury* - the employee must submit an application for reemployment with Human Resources no later than two years following completion of service.

#### 5. Documentation

Human Resources will, upon the employee's reapplication for employment, request that the employee provide the City with military discharge documentation to establish the timeliness of the application for reemployment, the duration of the military service, and the honorable discharge from the military service.

## **B. Funeral or Bereavement Leave**

Employees who work a normal 5 day work week will receive up to three days, or a maximum of 24 hours and employees who work a normal 4 work week will receive up to three days, or a maximum of 30 hours, for (in state), funeral/bereavement leave. For out of state, funeral/bereavement leave, Or employees shall receive one scheduled work week, up to 40 hours (out of state) of City-paid funeral leave per occurrence to attend the funeral of an immediate family member. The definition of immediate family members is contained listed in Administrative Guideline #10.

Upon approval from the Department Head, sick leave may be used to extend funeral leave for the death of immediate family members. The Department Head reserves the right to request documentation verifying the death of immediate family member in order to validate the leave request.

## **C. Jury Duty Leave**

During jury service, if scheduled during regular working hours, the employee will be paid regular wages and may retain any remuneration for jury duty services. An employee serving jury duty is expected to return to work if the jury duty ends before the employee's regularly scheduled work day ends. Employees should obtain a receipt of jury attendance and submit the receipt to the employee's immediate supervisor.

## **D. Election Leave**

If necessary, City employees will be given time during the work day to vote in accordance with State law and with prior supervisory approval.

## **E. Injury Leave**

Injury leave is covered by Administrative Guideline #1050.

## **F. Administrative Leave**

The Department Head may place employees on administrative leave with pay. Administrative leave is to be used when the employee should be temporarily relieved from duty pending an investigation or administrative process. While on administrative leave with pay, employees are expected to follow departmental direction concerning requirements for leave time. Failure to comply will result in disciplinary action. Employees may not perform secondary employment while on administrative leave.

## ADMINISTRATIVE GUIDELINES

### **Subject: Personal Leave**

Origination date: 07/24/02

Revision date: 10/24/2016, 03/12/2018

Guideline number: 670

### **Purpose**

The purpose of these guidelines is to establish when the City would grant a personal leave of absence to an employee.

### **Policy Communication**

The policy establishing the City's direction related to Attendance and Leave can be found in Policy #600.

### **Guidelines**

The personal leave designation applies to employees who require leave but who do not qualify for other types of leave or do not have accrued paid leave. Requests for personal leave may be denied or granted in the City's sole discretion. For purposes of clarity, requests for Family and Medical Leave and leave as an accommodation under the Americans with Disabilities Act are not covered by this guideline.

The following rules apply to personal leave:

1. Employee must submit a leave request in writing.
2. Leave must be approved by the Department Head.
3. Documentation of leave will be placed in the employee's City personnel file.
4. All accrued leave such as vacation, sick or PTO leave will be used while on leave, and WILL NOT continue to accrue until full return.
5. Employees on personal leave will not receive holiday benefits while on leave.
6. Insurance benefits will be retained as long as the employee pays the full premium (City + Employee portion).
7. Employees on leave must abide by the departmental guidelines for furnishing periodic reports on expected return date.

8. Personal leaves of absence pursuant to this guideline shall not exceed 30 calendar days per year.
9. Job performance and departmental requirements will be taken into consideration before a request is approved. Requests for unpaid personal leave may be denied or granted in the sole discretion of the City.

<b>POLICY STATEMENT</b>	
<b>Subject: Paid Time Off (PTO) Program</b>	
Origination date: 03/12/2018	
Guideline Number: 680	

### **Paid Time Off (PTO) Program**

Election of Traditional Vacation/Sick or PTO Benefit Option: Employees hired before April 12, 2018 shall be allowed to opt in to either the PTO program outlined in Policy 600.I (Paid Time Off Program) or the traditional vacation/sick leave program which includes all benefits outlined in Guideline 630 (Vacation) and Guideline 640 (Sick Leave,). The selection will be made within 30 days after this policy is adopted and once made, the employee will remain in the selected program throughout their career with the City of Eloy.

All regular, full-time and part-time employees selecting this program are eligible to accrue/earn Paid Time Off (PTO) beginning on the employee's first day of employment with the City. Current employees are eligible to utilize accrued/earned PTO immediately. Employees hired after April 12, 2018, will begin accruing time under the PTO program and will not have the option to accrue under the traditional vacation/sick time accrual rates. Employees hired after April 12, 2018 will have a 90 day waiting period before PTO may be used. Employees are expected to use accrued PTO responsibly to assure necessary rest and relaxation away from work and to maintain an appropriate balance of PTO for use in unexpected emergencies or in cases of serious illnesses or injuries.

Full-time employees who are regularly scheduled to work 40 hours per week or more shall accrue PTO each pay period. Employees assigned as regular part-time employees and who regularly work less than full-time but more than 1040 hours per year shall accrue PTO at a pro-rated rate. Employees who are regularly assigned to work less than 1040 hours per year will not accrue PTO. Accrual rates are based upon the employee's City service and accrue as outlined below:

### **Regular Full-Time Employees assigned to an annual 2080 hour schedule**

<b>Completed Years of Service</b>	<b>Paid Time Off Accrual hours per Pay Period</b>	<b>Approximate Annual Accrual (hours)</b>
<1 year	6.92	180
1	7.31	190
2	7.69	200
3	8.08	210
4	8.46	220
5	8.85	230
6	9.23	240
7	9.62	250
8	10.00	260
9	10.38	270

10	10.77	280
11	11.15	290
12+	11.54	300

**Regular Part-Time Employees assigned to a minimum annual 1040 hour schedule**

Completed Years of Service	Paid Time Off per Accrual hours Pay Period	Approximate Annual Accrual (hours)
<1 year	3.46	90
1	3.65	95
2	3.85	100
3	4.04	105
4	4.23	110
5	4.62	115
6	4.62	120
7	4.81	125
8	5.00	130
9	5.19	135
10	5.38	140
11	5.58	145
12+	5.77	150

The maximum amount of PTO which may be accrued by any full-time or part-time regular employee is 600 hours. Upon reaching the applicable maximum, an employee shall cease accruing PTO until the employee's accrued hours drop below the maximum.

Employees are responsible for knowing the amount of PTO available for their use. PTO to the employee's credit may be requested by the employee for time off due to planned or unplanned time away from work.

**Use of PTO for Planned Absence**

Employees requesting the use of PTO for planned absences shall request approval for the use of PTO as far in advance as possible, and generally no later than the end of the workday prior to the day(s) desired off (or earlier if required by the employee's department). Requests may be made orally, electronically, or in writing. Regardless of how the original request was made, the employee shall, in advance of such leave, enter the leave request through the applicable section of the City's electronic timekeeping system. Such entry shall constitute a valid request and no other request shall be required. Approval of such requests shall be made through this same system.



Granting of requests is subject to the approval of the supervisor and based upon operational needs except where such leave is mandated by law. PTO may be used in conjunction with worker's compensation in order to bring an employee's pay up to their normal weekly pay or pay for dependent insurance and/or other employee paid premiums.

### **Use of PTO for Unplanned Absence**

An unplanned absence is any circumstance which requires the employee to be absent from work, which could not have been foreseen, and would have been improbable to schedule in advance. Employee Obligations: To be eligible to use PTO for unplanned absences as defined herein, an employee must:

- i. Schedule medical appointments during non-work hours, to the extent this is possible.

- ii. Submit certification from a licensed physician, practitioner or other Health Care Professional stating the reason for the absence from work and outlining any restrictions on return to full duty when the employee's unplanned absence extends for three or more consecutive work days or after the first 40 hours of any absence during any calendar year.

- iii. Indicate the use of PTO for the time absent on the timecard covering the pay period containing the PTO use and annotate it as unplanned.

- iv. Notify his/her supervisor, manager, or director, via phone or text as determined by the individual's department rules, as soon as possible but no less than one (1) hour prior to the employee's scheduled start time. The only exception to this notification time requirement would be an emergency that takes place less than one hour prior to the employee's scheduled start time, thereby making it impossible to provide such notice. In such cases, the employee (or relative) shall contact their supervisor, manager or director, as soon as such notice is feasible.

- a. Regardless of the manner in which the original notice is made, the employee must enter the last minute time off request through the City's time adjustment forms immediately upon their return to work unless their return to work is after the close of the affected pay period. In that case, the employee's supervisor will enter the time off directly onto the employee's timesheet.

While on Leave: Employees absent from work for unplanned absences and receiving PTO may not work, perform services, receive, or earn compensation for or from any entity, including the employee's own business except as authorized by state statute, from the beginning of such absence until the employee returns to work.

Medical Examination: The City may require an employee to submit to an examination conducted by a licensed medical professional chosen by the City to determine the employee's ability to perform the essential functions of the

employee's employment position. The cost of the examination shall be paid by the employee's insurance or the employee.

The City reserves the right to investigate all usage of PTO for unplanned absences. Should the City determine that an employee has not used PTO in accordance with these rules and regulations, corrective action may be taken.

POLICY STATEMENT	
<b>Subject: PST Leave</b>	
Origination date: 03/12/2018	
Guideline Number: 690	

### **PST Leave**

This is applicable only to part time non-benefited employees and seasonal employees. In accordance with Arizona Revised Statute 23-372, all part time non-benefited and seasonal employees shall earn 1 hour of PST leave for every 30 hours worked. Such leave shall accrue so long as the employee receives pay for hours worked.

Accrued PST shall not be paid out to any employee who leaves City service under any circumstances. However, the number of accrued hours an employee has upon separation from City service shall be reinstated to that employee should they be rehired within nine (9) months of their separation date.

An employee may use accrued PST for their own illness or injury or that of their family members, as defined in A.R.S 23-371, or for any other purpose authorized in A.R.S 23-373. However, under no circumstances will an employee be authorized more PST than they have earned. Further, should an employee have more than 40 hours of earned PST, they shall not be authorized to use more than forty (40) hours of PST in any fiscal year.

When the use of PST is foreseeable, the employee shall make every effort to provide notice of the need for such time to their supervisor as far in advance as possible. The employee may request such leave either orally, in writing, or electronically. Regardless of how the original request was made, the employee shall, in advance of such leave, enter the leave request through the appropriate section of the City's electronic payroll system. Such entry shall constitute a valid request and no other request shall be required. Approval of such requests shall be made through this same system.

When an employee needs to use PST due to a last minute illness, injury or other unforeseen circumstance, he/she must contact their supervisor, manager, or director, via phone or text, as determined by the individual's department rules, as soon as possible but no less than one (1) hour prior to the employee's scheduled start time. The only exception to this notification time requirement would be an emergency that takes place less than one hour prior to the employee's schedule start time, thereby making it impossible to provide such notice. In such cases, the employee or family member, as defined in A.R.S 23-371, shall contact their supervisor, manager or director, as soon as such notice is feasible.

Regardless of the manner in which the original notice is made, the employee must enter the last minute time off request through the City's time adjustment form immediately upon their return to work unless their return to work is after the close of the affected pay period. In that case, the employee's supervisor will enter the

time off directly onto the employee's timesheet and annotate in the comment section the reason for the absence.

POLICY STATEMENT	
<b>Subject: Donation of Leave Program</b>	
Origination date: 05/29/2018	
Guideline Number: 695	

The City of Eloy recognizes that employees may have a family medical emergency or be affected by a major disaster, resulting in a need for additional time off in excess of their available vacation/paid time off (PTO). To address this need, all eligible employees will be allowed to donate vacation/PTO from their unused balance to their co-workers in need of vacation/PTO in accordance with the policy outlined below. This policy is strictly voluntary.

### **Eligibility**

Employees (regular full-time and regular part-time) must be employed with the City of Eloy for a minimum of one year to be eligible to donate and/or to receive donated vacation/PTO time.

### **Guidelines**

Employees who would like to make a request to receive donated vacation/PTO time from their co-workers must have a situation that meets the following criteria:

**Medical emergency**, defined as a medical condition of the employee or an immediate family member that will require the prolonged/extended absence of the employee from duty and will result in a substantial loss of income to the employee due to the exhaustion of all paid leave available. An immediate family member is defined, for the Donation of Leave Program, as a spouse, child (step) or parent (in-laws).

**Major disaster**, defined as a disaster declared by the president under §401 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), or as a major disaster or emergency declared by the president pursuant to 5 U.S.C. §6391 for federal government agencies. An employee is considered to be adversely affected by a major disaster if the disaster has caused severe hardship to the employee or to an immediate family member of the employee that requires the employee to be absent from work.

### **Donation of Vacation/Personal Time**

- The donation of vacation/PTO time is strictly voluntary.
- An employee may donate vacation/PTO time to any eligible regular employee.
- The donation of vacation/PTO time is on an hourly basis, without regard to the dollar value of the donated or used leave.
- The minimum number of vacation/PTO time hours that an eligible employee may donate is 4 hours.
- The maximum number of vacation/PTO time hours an eligible employee may donate in one calendar year is 40 hours or no more than 50 percent of the employee's current balance.

- Employees cannot borrow against future vacation/PTO time to donate.
- Employees who are currently on an approved leave of absence cannot donate vacation/PTO time.

### **Requesting Donated Vacation/Paid Time Off (PTO) Leave**

Employees who would like to request donated vacation/PTO time are required to complete a Donation of Vacation/Paid Time Off Request Form and submit it to Human Resources.

Requests for donations of vacation/PTO time must be reviewed by the Human Resources Director and approved by the City Manager.

If the recipient employee has available vacation/PTO time in his or her balance, this time will be used prior to any donated vacation/PTO time. Donated vacation/PTO time may only be used for time off related to the approved request.

Employees who receive donated vacation/PTO time may receive no more than 480 hours (12 weeks) within a rolling 12-month period.

## POLICY STATEMENT

**Subject: Professional and Personal Conduct**

Origination date: 07/24/02

Revision date: 12/10/07, 10/24/2016

Policy number: 700

### Purpose

The purpose of this policy is to provide standards of behavior for City employees.

### Policy

It is the policy of the City to uphold and promote the highest standards of conduct and it expects the same of its employees. Accordingly, all City employees and officials should maintain the highest standards of integrity, honesty, ethics, and fairness in carrying out their public duties.

The following describes some of the most common conduct-related issues and clarifies the City's policy with regard to those issues.

#### A. Conflict of Interest

Employees are subject to the provisions of A.R.S. Section 38-501 through 38-532 regarding conflicts of interest. While not exclusive, specific examples of conflicts of interest are enumerated below for the guidance of employees.

##### 1. Interest in Appointments

Employees should not canvass the Mayor or members of the City Council, directly or indirectly, to obtain preferential consideration in connection with any appointment to a City job. This does not apply to positions filled directly by the City Council.

##### 2. Preferential Treatment to Individuals

Granting any special consideration, treatment, or advantage to any citizen beyond that which is available to every other citizen is prohibited.

##### 3. Disclosure of Confidential Information

The City maintains confidential materials of various kinds, e.g., financial records, administrative/legal opinions, and nonpublic records designated as confidential by the City Manager.

All employees are to safeguard City records, equipment, property, and other materials. Access to certain material is based upon job classification and on a need-to-know basis. Appropriate confidentiality shall always be maintained.

4. Representing Private Interest before City Agencies or Courts

No employee shall represent another person for compensation before a public agency. Nor shall an employee represent private business or financial interests in any action or proceeding against the interests of the City in any litigation to which the City is a party.

5. Disclosure of Interest

Any employee who has, or whose relative has, a substantial interest in any contract, sale, purchase, or service to the City shall make the interest known to the City and shall refrain from voting upon or otherwise participating in any manner as an officer or employee in such contract, sale, purchase, or service.

Any employee who has, or whose relative has, a substantial interest in any decision of the City shall make such interest known to the City and shall refrain from participating in any manner as an employee in such decision.

**B. Harassment, Discrimination, Workplace Violence, and Unlawful Activity**

The City does not tolerate any form of discrimination, harassment, workplace violence, or unlawful activity.

Following is a non-exhaustive list of conduct that constitutes prohibited harassment:

1. Unwanted sexual advances, flirtations, invitations, comments, or propositions.
2. Verbal abuse of a sexual nature, sexually related comments and jokes, suggestive or degrading comments about an individual, or about an individual's body, dress, or appearance.
3. Any unwelcome physical contact or touching, such as assault, patting, pinching, brushing against another's body, impeding or blocking movement, or any physical interference with normal work or movement.



4. Verbal harassment regarding an individual's membership in a protected class (e.g., race, sex, color, national origin, disability, gender, religion, or age), including epithets, derogatory comments, jokes or slurs, profanity, gestures, or names.
5. Visual forms of harassment such as derogatory or sexually oriented cartoons, posters, pictures, or drawings in the workplace.
6. Undesirable work assignments due to membership in a protected class.
7. Threatening or implying that failure to engage in sexual behavior will affect the employment, job status, salary, performance, or any other benefit of another employee.

The City encourages employees to immediately report any unlawful activity, discrimination, harassment, and workplace violence so that complaints can be investigated quickly and resolved. In no case will the City retaliate against any employee who in good faith reports unlawful activity, discrimination, harassment, or workplace violence.

#### **C. Chain of Command**

To ensure departmental communication is clear, accurate, and everyone is well informed, the City requests that, in most circumstances, employees follow the chain of command established within their department.

#### **D. Secondary Employment**

The City shall be the principal vocation of regular, full-time employees; however, an employee may engage in secondary employment provided the following conditions are met:

1. The secondary employment does not interfere with efficient job performance; and
2. It does not in any way conflict with the interests of or information held by the City.

#### **E. Political Activity**

Employees are encouraged to vote and will be given reasonable time off for voting. However, employees shall not accept any form of compensation, gift, or favor as an inducement for supporting a candidate for public office. Nothing herein is intended to limit or restrict the right of the employee to the free expression of his or her political views.

Additionally, no City employee shall:

1. Hold a paid, public, elective office or a paid, public, appointive office.
2. Solicit any money, influence, service, or other thing of value, or otherwise aid or promote any political committee or candidate for nomination or election during working hours.
3. Be involved in the campaign of any person for election to Mayor or City Council while acting as a representative of the City.
4. Use her or his influence, power, or position to reward or give favors in return for partisan participation on any campaign for any candidate or cause.

#### **F. Acceptance of Gifts**

To uphold the highest standard of ethical behavior, under most circumstances, the City does not allow the acceptance or solicitation of gifts by employees.

#### **G. Employee Residency**

Employees are encouraged to reside within the Municipal Planning Area (MPA) of the City. An employee holding the position of City Manager shall reside within the City limits within 12 months from the date of employment, unless extended by the City Council upon written application due to hardship, and shall maintain residency within the City limits for the duration of her or his employment. Sworn personnel must reside within 50 miles or 45 minutes response time of the City Police Station.

#### **H. Professional Attire at Work**

Each employee shall maintain a neat and professional appearance.

#### **I. Professional Conduct at Work**

A relaxed and friendly atmosphere at work is encouraged and is conducive to productivity, teamwork, and morale. However, human dignity and personal safety cannot be compromised.

##### **1. Employee Behavior**

All employees shall treat each other, supervisors, and citizens with dignity and respect.

##### **2. Appearance of Work Areas**

Work areas are to be kept neat and presentable in the interest of safety and efficiency, presenting a professional appearance at all times for co-workers and visitors.

### 3. Use of City Vehicles and Equipment

City vehicles should be used only for City business. Employees operating City vehicles and equipment are required to comply with all State and local traffic laws. Safety belts must be worn while riding in or driving a City vehicle. If safety belts are inoperable or are not provided, an employee should immediately report such information to the employee's supervisor.

### 4. Care of Personal Belongings/City Supplied Items

The City does not assume responsibility for the loss of personal money or belongings. Therefore, each employee needs to protect her or his personal belongings while at work. The City may provide certain clothing, clothing allowances, equipment, and other items for certain positions. It is the responsibility of the employee to maintain City-provided materials. Employees may be charged for lost or damaged City property.

## **J. Use of City Computer Hardware and Software**

All City computers, software, networks, email systems, internet access, phone and voicemail systems, and any other device or means of electronic communication or storage is considered City property. City employees will be required to sign Internet and email use policies. The City reserves the right to inspect employee email, voice mail, computer files, desk files, and any other City property, at any time, with or without notice. The City will not tolerate improper use of City property.

## **K. Delegation of Authority**

When a supervisor or above plans to be away from the work site, or as the supervisor or above deems appropriate, he or she may delegate supervisory and other responsibilities and signing authority to the person next in command.

## **L. Confidentiality**

The City maintains confidential materials of various kinds, e.g., financial records, administrative/legal opinions, and non-public records designated confidential by the City manager. All employees are expected to assume responsibility for safeguarding City records, equipment, property, and other materials. Access to certain material is needed upon job classification and a need-to-know basis. Breach of confidentiality is considered a serious matter and disciplinary action will be taken up to and including termination.

## **ADMINISTRATIVE GUIDELINES**

### **Subject: Harassment and Discrimination**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 710

### **Purpose**

The purpose of this administrative guideline is to provide a procedure for reporting, investigating, and resolving discrimination and harassment complaints.

### **Policy Communication**

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### **Guidelines**

The City will not tolerate any form of discrimination or harassment, including on the basis of race, color, sex, gender, national origin, religion, age, disability, sexual orientation, or any other protected classification, of any employee by another employee or a third party. In order to create a work environment that is free from discrimination and harassment, the following measures will be in place.

#### **A. Reporting Harassment**

If an employee believes that he or she has been subjected to harassment or discrimination, the employee should inform her or his supervisor, Department Head, the Human Resources Director, or the City Manager.

An employee may file a written discrimination or harassment complaint (Appendix A) with the employee's supervisor, Department Head, the Human Resources Director, or the City Manager. However, verbal complaints will be treated with equal seriousness.

Any supervisor or Department Head who becomes aware of the possible discrimination or harassment of an employee in any manner shall report the situation in writing to the Department Head, Human Resources Director, or the City Manager immediately. Employees aware of any unlawful harassment or discrimination should report details to the employee's supervisor, Department Head, the Human Resources Director, or the City Manager. Failure on the part of a supervisor, Department Head, or other management employee to report harassing or discriminatory behavior will lead to disciplinary action, if it is determined that the individual had knowledge, but did not report it, as required.

## **B. Investigation of Discrimination or Harassment Complaints**

The Human Resources Director shall be responsible for overseeing the investigation of complaints. Any complaint shall be investigated promptly and thoroughly. Furthermore, a discrimination or harassment complaint, as well as the investigation of any such complaint, shall be kept confidential to the extent possible and to the extent permissible under law. Following the investigation of a complaint, the Human Resources Director shall report the facts of the investigation to the Department Head (unless the Department Head is the alleged harasser, in which case the report shall be provided to the City Manager), who will determine if harassment has occurred and what disciplinary action, if any, needs to be taken.

## **C. Policy Enforcement**

The City is committed to thoroughly investigating each complaint and taking immediate and appropriate corrective action on all confirmed violations. The Human Resources Director is responsible for auditing the operation of these guidelines, providing counseling, and resolving and addressing questions that arise from this guideline.

## **D. Penalties**

Any employee found to have engaged in discriminatory or harassing behavior will be subject to disciplinary action up to and including termination.

## **E. Retaliation**

No action shall be taken against an employee because that employee filed a complaint or against any witness who participated in the investigation of a complaint.

## **F. Bad Faith Allegations**

Discrimination or harassment allegations made in bad faith shall result in disciplinary action up to and including termination.

## Appendix A

### Discrimination/Harassment Complaint Form

I. **Directions:** The City of Eloy does not tolerate harassment or discrimination in the workplace. This form is provided to assist you in organizing information which is typically considered when evaluating allegations of harassment or discrimination. Please forward this completed form to your Department Head, the City Manager, or to the Human Resources Director.

II. **General Information:** Please answer the questions in the spaces provided.

Date: \_\_\_\_\_ Name: \_\_\_\_\_

Phone # or work extension: \_\_\_\_\_ Best time to call: \_\_\_\_\_

Title: \_\_\_\_\_ Supervisor \_\_\_\_\_

III. **Specific Information:** Please describe the action(s) or event(s) which led you to file this complaint. If necessary, attach additional sheets. Please include all applicable information to the best of your ability.

Incident #1:

Date: \_\_\_\_\_ Time: \_\_\_\_\_ Location: \_\_\_\_\_

Name(s) of alleged  
offender(s): \_\_\_\_\_

Name(s) of any  
witnesses: \_\_\_\_\_

Describe what occurred:

Incident #2

Date:\_\_\_\_\_Time:\_\_\_\_\_Location:\_\_\_\_\_

Name(s) of alleged  
offender(s):\_\_\_\_\_

Name(s) of any  
witnesses:\_\_\_\_\_

Describe what occurred:

Please include any supporting documentation such as written materials,  
notes/letters, audio tapes, etc., with this form.

How would you like to see this matter resolved?

Any additional information you feel is relevant to this situation.

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

**Form Received by:**

Name:

Title:

Date:

## ADMINISTRATIVE GUIDELINES

**Subject: Workplace Violence**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 715

### Purpose

The purpose of these guidelines is to define what the City considers to be workplace violence and to outline procedures for reporting workplace violence.

### Policy Communication

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### Guidelines

The City does not tolerate any type of workplace violence committed by or against employees. Employees are prohibited from making threats or engaging in violent activities.

#### A. Prohibited Conduct

The following non-exhaustive list provides examples of conduct that is prohibited:

1. Causing physical injury to another person;
2. Making threatening or harassing remarks or phone calls;
3. Aggressive or hostile behavior that creates a reasonable fear of injury to another person or subjects another individual to emotional distress, or any form of fighting;
4. Intentionally damaging City property or property of another employee;
5. Possession of a weapon while in City buildings or while on City business (unless authorized to do so to carry out the duties of your position);
6. Committing acts motivated by, or related to, sexual harassment or domestic violence.



## **B. Reporting Procedures**

Any potentially dangerous situation shall be reported immediately to a supervisor, Department Head, the Human Resources Department, or the City Manager. All reports will be investigated.

## **C. Enforcement**

Threats, threatening conduct, or any other acts of aggression or violence in the workplace will not be tolerated. Any employee determined to have committed such acts will be subject to disciplinary action, up to and including termination. Any person engaged in violent acts on the City's premises will be reported to the proper authorities and may be subject to criminal charges.

## **ADMINISTRATIVE GUIDELINES**

### **Subject: Chain of Command**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 716

### **Purpose**

The purpose of these guidelines is to promote effective communication among all employees.

### **Policy Communication**

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### **Guidelines**

Most issues can be resolved through an open line of communication. To ensure communications are clear and accurate and that everyone is well informed, the City requests that employees follow the chain of command within their department, except as otherwise set forth in this Manual. If an employee has a question, complaint, or concern, the employee shall address it with her or his supervisor up through and including the Department Head. Employees are reminded that the City operates under a City Manager/City Council form of government. It is the responsibility of the City Manager to deal with personnel concerns.

If an employee has a concern regarding harassment, discrimination, any illegal activity, or any similar problem of equal gravity, the employee is encouraged to report the concern directly to the Department Head, the Human Resources Director, or the City Manager.

## ADMINISTRATIVE GUIDELINES

### **Subject: Secondary Employment**

Origination date: 07/24/02

Revision date: 11/8/2010, 10/24/2016

Guideline number: 720

### **Purpose**

The purpose of these guidelines is to define the process for declaring and receiving approval for secondary employment.

### **Policy Communication**

The Policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### **Guidelines**

#### **A. Conditions for Secondary Employment**

An employee may engage in secondary employment provided the employment complies with the following conditions:

1. The secondary employment does not interfere with job performance at the City.
2. The secondary employment does not in any way conflict with the employee's duties or the interests of the City.
3. The secondary employment does not exceed 24 hours of work in any given work week (Saturday-Friday). Exception: If an employee is on pre-approved vacation or compensatory leave status.
4. The employee may not work secondary employment while off on injury, FMLA, workers compensation, or sick leave or administrative leave with pay.

#### **B. Request for Approval of Secondary Employment**

Before beginning work at a second job, an employee must first submit a written request to her or his Department Head. The Department Head may establish additional standards for an employee's secondary employment.

The Department Head and City Manager will either approve or deny the request for secondary employment in writing and will forward the decision in writing to the

employee and the Human Resources Director, who will keep the copy in the employee's personal file.

**C. Use of City Equipment or Materials**

City facilities, equipment, and staff may not be used in connection with any secondary employment.

## ADMINISTRATIVE GUIDELINES

### **Subject: Political Activity**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 730

### **Purpose**

As citizens, City employees can and should exercise their rights to register and vote in all elections, including City elective offices. And, although employees are encouraged to participate in elections as private citizens, there are certain restrictions on how actively City employees can participate in the electoral process. These guidelines will outline those restrictions and provide examples for employees to follow.

### **Policy Communication**

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Guideline #700.

### **Guidelines**

While employees are permitted to be involved in political campaigns in other cities or jurisdictions, employees are required to avoid certain political activities in City elections. The following examples constitute political activity prohibited under this guideline:

1. Soliciting or attempting to solicit support for a candidate or political party involved in a City election from any employee or appointed official.
2. Taking part in the campaign of a candidate participating in a City election while acting as a representative of the City.
3. Seeking election to City public office while employed by the City.
4. Using the employee's position to sell, solicit, or distribute any campaign material during working hours or in a uniform used by or identified with the City government.
5. Using the employee's position to introduce, guide, or recommend any candidate for public office on City property.

6. Using City equipment, such as a fax machine, telephone, copier, computer hardware and software, printers, mailboxes, postage, webpages, newsletters, newspapers, email, or any other City resource for campaigning purposes.
7. Working on a campaign (local, state, or national) during work hours or on City property.
8. Identifying himself or herself as a City employee or wearing a City uniform when campaigning for any candidate (local, state, or national).

Employees engaged in political activity in violation of this policy will be subject to disciplinary measures up to and including termination.

## ADMINISTRATIVE GUIDELINES

**Subject: Acceptance of Gifts**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 735

### Purpose

The purpose of these guidelines is to provide guidance to employees on gift acceptance and solicitation.

### Policy Communication

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### Guidelines

Other than gifts or awards from the City and except as otherwise provided herein, no employee shall, for personal gain, accept or solicit any compensation, fee, gift, discount, entertainment, or other valuable item in the course of, or as a result of, performing the duties of her or his position. Except as otherwise provided herein, City employees and their family members shall not accept gifts or favors from or on behalf of any person, business, organization, or group conducting business with the City.

Unless otherwise prohibited by the individual department, gifts should be shared with an entire work group, division, or department (such as a basket of fruit, cookies, candy, etc.). The Department Head must approve acceptance of the gift and make it available to the work group, division, or department.

Promotional items and meals valued at less than \$25.00 (pens, calendars, t-shirts etc.) may be accepted by City employees.

## ADMINISTRATIVE GUIDELINES

### **Subject: Employee Dress Code**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 736

### **Purpose**

The purpose of these guidelines is to provide employees and management with the City's standards regarding appropriate attire in the workplace.

### **Policy Communication**

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### **Guidelines**

#### **A. Employee Attire**

Employees shall present a clean and professional appearance and keep safety in mind when selecting attire in accordance with the requirements of their position and work environment.

Examples of inappropriate attire include:

- Clothes that are torn, frayed, worn, wrinkled, stained, or have holes
- Tank tops, spaghetti straps, tube, halter, midriff, or lingerie tops, muscle shirts, or t-shirts
- Active-wear, workout-wear, sweatpants, swimwear, or spandex
- Any garment with discriminatory, harassing, or offensive pictures, references, or slogans
- Shorts (unless approved as job-appropriate attire)
- Overalls
- Slippers or recreational footwear (unless approved job-appropriate attire)
- Apparel or accessories with vendor logos
- Skirts, dresses, and skorts that are shorter than three inches above the knee

Employees who arrive at work inappropriately dressed will be sent home and directed to return to work in appropriate attire. Non-exempt employees will not be compensated for the time away from work.



Items of clothing with the City logo shall adhere to City Logo Policy.

Management may require more formal attire according to business needs.

**B. Uniforms and Exceptions**

The Department Director, with City Manager may establish exceptions to the appropriate attire guidelines set forth above or require uniforms.

## ADMINISTRATIVE GUIDELINES

### **Subject: Internet & Email Acceptable Use**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Guideline number: 780

### **Purpose**

The City provides a wide variety of computing and networking resources to qualified City employees. Access to computers, computing systems, email systems, internet access, and networks owned by the City imposes certain responsibilities and obligations. All users of these resources must comply with specific policies and guidelines governing their use, and act responsibly while using shared computing and network resources, including wirelessly. The purpose of this guideline is to promote the efficient, ethical, and lawful use of the City's computer and network resources.

### **Policy Communication**

The policy establishing the City's direction related to Professional and Personal Conduct can be found in Policy #700.

### **Guidelines**

All functions employees perform while utilizing the City's computers, networks, email, internet, and other electronic systems are considered public and are not confidential or private.

The City reserves the right to inspect, at any time, with or without notice, any City computer, network usage, email account, or other device or means of electronic communication, use, or storage.

The specific usage guidelines that follow are not intended to be comprehensive, but rather to establish and clarify the intent of this guideline. Situations not enumerated herein will inevitably arise, and they will be handled according to the spirit of this guideline.

Each person using the City's computer, network, hardware, software, internet, email, and other electronic resources shall:

1. **Take no actions that violate the City Policies and Administrative Guidelines Manual or other applicable policies, practices, procedures, guidelines, or law.** In the event of a conflict between this guideline and any other policy, practice, procedure, guideline, or law, the most restrictive shall govern.
2. **Clearly and accurately identify one's self in electronic communications.** Do not misrepresent one's identity. Concealing or masking identity in electronic communications, such as altering the source of an e-mail message by making it appear as if the message was sent by someone else is a violation of this guideline. All emails shall have a signature line, identifying the employee sending the email and acknowledging that he or she works for the City.
3. **Use computer and network resources efficiently.** Computing resources are finite and must be shared. Users may use the City's computer and network resources for incidental personal purposes, provided that such use does not (a) interfere with the use of computing and network resources by other users, or with the City's operation of computing and 'network resources; (b) interfere with the users performance or other obligations to the City; or (c) violate this guideline or other applicable guideline or law. The City retains the right to set priorities on use of the system, and to limit personal use at any time.
4. **Not harass or intimidate or use computer and network resources for unlawful acts.** Use of the City's computer or network resources for unlawful activities is strictly prohibited. Unlawful use of City computer and network resources can expose the individual user and the City to damages, claims, or potential criminal liability. Unlawful uses include, but are not limited to, harassment, discrimination, or intimidation of individuals on the basis of any protected classification; obscenity; child pornography; threats; theft; attempting unauthorized access to data; attempting to breach security measures on any electronic communications software or system; attempting to intercept electronic communication transmissions without proper authority; and violation of intellectual property or defamation laws. Do not use computer systems to send, post, or display profane, abusive, slanderous, or defamatory messages, text, graphics, or images. By using the City's computer and network services, each user accepts the responsibility to become informed about, and to comply with, all applicable laws and policies.

5. **Use City computer resources and networks for legitimate City purposes.** Incidental personal use is permissible as set forth in this guideline. Use of the City's computers, systems, or network for commercial activities that are not approved by appropriate supervisory City personnel consistent with applicable guidelines, or for personal financial gain is prohibited.
6. **Respect copyright and intellectual property rights.** Users shall not infringe upon the intellectual property rights of others and must adhere to the terms and conditions of any and all software and database licensing agreements. Examples where intellectual property rights might be implicated include music, movies, graphics, text, photographs, artwork, and software. It is unlawful to circumvent technological measures used by copyright owners to protect their works. Copyright infringement exposes the user, and possibly the City, to heavy fines and potential criminal liability.
7. **Respect City property.** Misuse of City property includes, but is not limited to, stealing or damaging equipment or software, knowingly running or installing computer viruses or password-cracking programs, attempting to circumvent installed data protection methods that are designed and constructed to provide secure data and information, in any way attempting to interfere with the physical computer network/hardware, or attempting to degrade the performance or integrity of any network or computer system.
8. Make only appropriate use of data to which the employee has access. Data may only be accessed as authorized and consistent with applicable laws, City policies, and accepted standards of professional conduct. Those who have access to databases that include personal information shall respect individual privacy and confidentiality, consistent with applicable laws and City policies regarding the collection, use, and disclosure of personal information. Users should be aware however that state laws and City policies, guidelines, and regulations may prevent the protection of certain aspects of individual privacy.
9. **Respect and adhere to other departmental/Internet Service Provider's acceptable use policies.** When using a City computer system or network to connect to a non-City system or network, adhere to the prevailing policies governing that system or network. This does not in any way release your obligation to abide by the established policies governing the use of City computer systems and networks.

Users who misuse City computing and network resources or who fail to comply with the City's written usage policies, regulations, and guidelines may be subject to deactivation of computer/network access; disciplinary up to and including possible termination of employment; and/or prosecution and penalties under applicable federal and state laws.

<b>ADMINISTRATIVE GUIDELINES</b>	
<b>Subject: Phone Usage</b>	
Origination date: 07/24/02	Revision date: 12/10/07, 1/12/09, 8/27/12, 6/23/14, 10/24/2016
Procedure number: 790	

## **Purpose**

These guidelines establish the City's policies and procedures regarding the assignment and issuance of City-owned mobile communication devices for City business, and reimbursement for the use of personal mobile communication devices for City business.

## **Policy Communication**

The policy establishing City's direction related to Professional and Personal Conduct can be found in Policy #700.

## **Guidelines**

The City recognizes the value of providing employees with the ability to maintain mobile contact. The City Manager shall determine staff eligibility for cellular phone allowances by one or more of the following criteria:

### **A. General Use**

Following are the categories of employees to whom the City may provide a cellular phone allowance:

1. Employees who are frequently in a vehicle, if the individual must conduct City business by telephone while in the field, and it can be demonstrated that customer service efficiency may be realized through the use of such devices.
2. Employees who have a critical need to maintain accessibility with other City management staff, public officials, or the public in order to ensure uninterrupted customer services and/or the integrity of the organization (this includes employees, who by virtue of the execution of their duties, frequently are away from the office for meetings, require prompt notification, etc.).
3. Department Heads and designated employees involved in the City's emergency response plan.

4. Employees who have responsibility for responding to public safety incidents in the field.

## **B. Employee Accessibility Requirements**

Employees determined by the City Manager to satisfy one of the above criteria and therefore qualify for a cellular phone service allowance upon agreement to accept allowance shall maintain accessibility in the following manner:

1. The cellular phone number must be treated as a business phone number in addition to a personal one. The City may publish the personal cellular or smart phone numbers of those employees receiving a stipend in a directory for internal use only. Personal cell or smart phone numbers will be maintained by the City as confidential to the maximum extent permitted by the law.
2. The City employee, once releasing a cellular phone number as a business contact number, is expected to conduct themselves as a representative of the City of Eloy when answering any and all phone calls received on the phone, acting in a professional and appropriate manner at all times.

## **C. Rate of Allowance**

For those employees deemed eligible for receiving a monthly allowance, the following two allowance tiers have been created and eligibility will be determined by the City Manager.

1. Employees who are required to have a voice and data usage plan will receive an amount set by City Council, per month allowance, provided funds have been budgeted for this purpose.
2. Employees who are required to have a voice and text usage plan will receive an amount set by City Council, per month allowance, provided funds have been budgeted for this purpose.

## **D. Employee Responsibilities (Cellular Phone Allowances)**

1. Employees accepting a monthly phone allowance will choose the service provider, service plan, and equipment. Accordingly, the employee is responsible for cellular services and equipment as follows:

Employees are responsible for the agreement between them and the cellular service provider. Should an employee incur any usage fees, contract cancellation penalties, or any other additional charges, the employee shall retain responsibility for payment.

Employees are responsible for all cellular equipment and accessories. Should any equipment be damaged, lost, or stolen, the employee is responsible for any replacement costs.

If at any time after allowance is initiated, the cellular phone service is cancelled for any reason, the allowance will be cancelled until service resumes.

2. Types of Phones

Smart phones are recommended for data usage plans. Please consult with the designated Information Technology staff to ensure that the email settings and phone are compatible with the existing server and email system prior to purchase.

**E. City-Issued Cellular Phones**

The City may provide cellular phones to eligible employees for the purpose of conducting business on behalf of the City. The City may contract with one or more cellular service providers to supply phones and services for these phones. If an employee has been issued a City cellular phone for the purpose of conducting City business, the employee will be responsible for:

1. All cellular equipment and accessories issued to them by the City. Should any equipment become damaged, lost, or stolen, the employee shall immediately report the incident to the City's Finance Department. If it is determined by the City Manager that the equipment was damaged, lost or stolen due to the carelessness or fault of the employee, the employee may be held liable for the cost of replacing the equipment.
2. City cellular communication devices are issued for the primary purpose of conducting City business and are not intended to be a substitute for an employee's personal cellular phone. Employee use of cellular phones for personal matters shall be kept to a minimum, meaning personal calls shall not exceed 10% of the total number of base plan monthly minutes allowed under the City-provided cellular plan or 60 minutes, whichever is less, and such usage shall not interfere with the conduct of City business.
3. If, in any month, an employee's personal calls exceed the lesser of 10% of the total number of base plan monthly minutes or 60 minutes, the Department Head or supervisor shall discuss the matter with the employee to determine the reason for the excessive personal usage and provide appropriate counsel to the employee. Employees shall be notified that continued excessive personal use of the cellular phone in violation of this policy may result in



revocation of the cellular phone and termination of the employee's City-provided cellular phone plan and, depending upon the circumstances, may result in disciplinary action up to and including termination.

4. If, during any month, an employee cellular phone bill exceeds the plan minutes, the employee may be required to reimburse the City for some or all of the minutes above and beyond the monthly plan amount that resulted from personal use. The rate of reimbursement shall be at 30 cents per minute. This rate may be modified from time to time by the City Manager.

#### **F. Unacceptable Uses**

1. Using a cellular phone in an unsafe manner is unacceptable. An example would be operating a vehicle or any machinery, whether City-owned or not, in a manner that distracts the user and may result in an accident.
2. Accepting allowance funds while intentionally making the phone unavailable for City use.
3. Accepting allowance funds while not in possession of a working and accessible cellular phone.
4. Violation of this policy may result in revocation of cellular phone allowance, disciplinary actions pursuant to the City of Eloy Personnel Regulations, Arizona State Law, and possible other legal consequences.

#### **G. Use of Personal Cellular Telephone**

1. Unless an employee is receiving a phone stipend, use of personal cellular phones is discouraged due to the potentially high cost of cellular phone usage versus standard telephone usage.
2. Any minutes or data usage that an employee undertakes on their personal device, whether that employee is receiving an allowance or not, is to be managed by the employee under the terms of their contract with the telecommunications provider.
3. The City will not be held financially or otherwise liable for employee cellular telephone usage outside of the terms of this policy.
4. Employees who purchase cellular telephones for personal use shall not include the City as a co-owner or co-lessee.
5. Employees who receive an allowance are not eligible for further reimbursement or payment for business calls or other usage on the employee-owned device.

## **H. Consent**

My signature below confirms that I have read and understand the Cellular Phone Policy for the City of Eloy. I agree to comply with all terms and conditions of this policy.

Printed Name:	
Signature:	
Date:	

**CITY OF ELOY**  
**TELEPHONE ALLOWANCE – AUTHORIZATION REQUEST**

Name: \_\_\_\_\_ Employee I.D.: \_\_\_\_\_ Department: \_\_\_\_\_

Estimated number of minutes of business use per month: \_\_\_\_\_

Describe the necessity of the employee's regular use of a cellular telephone for City business:

(The accuracy and completeness of the information you provide will reduce any delays in processing the allowance. Please justify the need for the allowance based on whether the employee is (a) in Management, (b) subject to call back, (c) frequently working away from his/her primary workstation, or (d) in need of a stipend for some other reason.)

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Cellular phone number for which this allowance is provided: \_\_\_\_\_

I hereby acknowledge that I have received a copy of the City of Eloy's Administrative Guidelines on Phone Usage. I have read this policy and clarified with my supervisor any questions regarding its provisions. I agree to comply with all the requirements contained therein and understand that appropriate disciplinary action may be taken if I am found to be in violation of the policy. I agree to keep the City informed of any change in my cell phone number and of any change in service status. I agree to keep my personal cell phone account current during the term in which I am paid a telephone allowance. I understand that my allowance will be paid monthly on the first paycheck and the initial payment will be made on the month following the approval of this application.

Account Number to be charged for this allowance: \_\_\_\_\_

Employee: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

Department Head: Signed: \_\_\_\_\_ Date: \_\_\_\_\_

City Manager: \_\_\_\_\_ Signed: \_\_\_\_\_ Date: \_\_\_\_\_

.....  
For Finance Department Use:

Monthly Allowance Amount (May only be changed by the City Manager)

- ☐ \$25 (for voice and text usage)    ☐ \$50 (for voice and data usage)

# POLICY STATEMENT

**Subject: Discipline and Appeal Process**

Origination date: 07/24/02

Revision date: 10/24/2016, 05/29/2018,  
11/11/2021

Policy number: 800

## Purpose

The purpose of this policy is to address employee performance and conduct issues and to establish a process for prompt resolution of disciplinary actions.

### A. Discipline Policy

It is the policy of the City, in most cases, to use a system of progressive discipline to address unacceptable work performance or behavior. Progressive discipline may not be used if the severity of the employee's conduct warrants more severe consequences.

An employee may be subject to the following disciplinary actions:

1. Supervisory counseling
2. Letter of instruction
3. Disciplinary suspension with or without pay
4. Demotion
5. Discipline held in abeyance
6. Termination

### B. Appeal Process

It is the policy of the City to provide for an orderly process for employees and the City to resolve disciplinary issues. Employees must follow the appeal procedures set forth in the administrative guidelines.

### C. Eligible Employees

This policy and related guidelines shall apply to regular employees, with the exception of the following at-will positions:

- City Manager
- City Attorney
- City Magistrate
- City Clerk

• ~~Police Chief\*~~

- seasonal and temporary employees

~~\*As set forth in a contract or in the Municipal Code. This does not apply to individuals continuously employed with the City as a regular employee, in any capacity, prior to October 24, 2016.~~

<b>ADMINISTRATIVE GUIDELINES</b>	
<b>Subject: Employee Disciplinary Measures</b>	
Origination date: 07/24/02	Revision date: 12/10/07, 7/27/09, 07/08/2013, 10/24/2016
Guideline number: 820	

## **Purpose**

The purpose of these guidelines is to communicate the forms of discipline to be used when an employee's performance or conduct falls below acceptable levels.

## **Policy Communication**

The policy establishing the City's Discipline Policy can be found in Policy #800.

## **Guidelines**

Progressive discipline may be used depending on the severity of an employee's conduct. Progressive discipline may include the following actions:

### **A. Supervisory Counseling**

A supervisory counseling occurs when an employee is notified verbally that the employee's work performance or conduct needs improvement. A supervisory counseling outlines specific areas needing improvement, goals for improvement, and a timeline for improvements. Any supervisory counseling shall be documented.

### **B. Letter of Instruction**

A letter of instruction informs the employee that further disciplinary action will occur unless performance or conduct improves. The letter will be prepared on the Employee Counseling Report Form and include the following information:

1. The date(s) on which the unacceptable performance or event(s) occurred and a brief description of the incidents.
2. Reference to the policy, procedure, or guideline that has been violated.
3. A specific statement of the disciplinary consequence of future violations.
4. A plan for improvement.

The finalized letter of instruction shall be placed in the employee's departmental personnel file.

### **C. Disciplinary Suspension**

A disciplinary suspension may occur with or without pay. The reasons for suspension will be documented on the Employee Counseling Report Form and shall include the consequences of continued performance issues and goals for improvement. A copy of the report shall be placed in the employee's personnel file.

The procedures for suspensions without pay for more than 24 hours (or three days in the case of a salaried employee) are set forth in Administrative Guideline #830. An employee may also be placed on administrative leave with pay by the City Manager pending an investigation. Administrative investigations should not exceed 30 days. While on administrative leave with pay, employees are expected to follow departmental direction. Failure to comply will result in disciplinary action.

### **D. Demotion**

Involuntary demotion occurs when an employee is moved from the position they currently hold to another position resulting in a lower pay range or status. The procedures for involuntary demotions are set forth in Administrative Guideline #830.

### **E. Termination**

Termination occurs when an employee's performance or conduct is such that it warrants termination of employment with the City. The procedures for termination are set forth in Administrative Guideline #830.

### **F. Discipline Held in Abeyance**

The City Manager may choose to hold disciplinary action in abeyance for a designated period of time. Usually, the employee will be required to meet certain conditions during this time period. If the stated conditions are not satisfactorily completed in the timeframe specified, the disciplinary action will be initiated.

### **G. Example Causes for Initiating Disciplinary Action**

Causes for initiating a disciplinary action may include, but are not limited to, the following:

1. Violation of any City policy, procedure, or guideline, including those set forth in this Manual.
2. Refusal to follow lawful directives of a supervisor or other administrative authority.

3. Use of offensive, inappropriate, or abusive language or behavior toward, or threatening conduct toward, the public, other employees, or administrative personnel.
4. Refusal to sign receipt of any policy, guideline, regulation, disciplinary notice, performance evaluation, or other City correspondence with a signature line.
5. Failure to submit to a required physical, psychological, or polygraph examination or to participate in appropriate counseling, testing or rehabilitative treatment as may be required by the City.
6. The use or possession of intoxicants, including alcohol, drugs or controlled substances, while on duty, as defined in Administrative Guideline #1020.
7. Conviction of a crime, which, in the City Manager's judgment, indicates the employee should not continue to perform the duties of her or his position.
8. Violation of, or failure to comply with federal, state, or local laws, ordinances, or regulations on or off duty.
9. Failure to work safely or to report an accident or injury occurring on the job.
10. Carrying a weapon or firearm into a City facility when not officially authorized to carry such a weapon as permitted by law.
11. Inefficiency, incompetence, or negligence in the performance of duties.
12. Failure to obtain and maintain a current license or certification as a condition of employment, or as required by law or City policy.
13. Unauthorized use or possession of City owned or leased property, or damage to such property.
14. Abuse of sick leave, including use under false pretenses.
15. Attendance issues.
16. Falsification of records, reports, or any other document.
17. Willful or careless release of confidential information.
18. Providing false or misleading information.



19. Engaging in any sexual activity while on duty.
20. Stealing, destroying, defacing, or misusing City property or another employee's or customer's property.
21. Smoking where prohibited by local ordinance or State statute.
22. Sleeping on the job without authorization.
23. Refusal to cooperate in an administrative investigation by refusing to attend scheduled meetings, refusing to answer questions, or willful obstruction of the investigation.

## ADMINISTRATIVE GUIDELINES

### **Subject: Employee Disciplinary Appeal Procedures**

Origination date: 07/24/02

Revision date: 06/28/04, 12/10/07, 10/24/2016

Guideline number: 830

### **Purpose**

The purpose of these guidelines is to communicate the process for formally filing an appeal with the City relating to a demotion, certain suspensions without pay, or termination of a regular employee.

### **Policy Communication**

The policy establishing the process for Discipline and Appeals can be found in Policy #800.

### **Guidelines**

#### **A. Issues Subject to Appeal**

Any regular employee (except as set forth in Policy 800), who is subject to disciplinary suspension without pay for more than 24 hours (or three days in the case of a salaried employee), involuntary demotion, or termination, shall be entitled to follow the appeal procedures set forth herein.

For statutorily defined law enforcement officers, the City will follow the pre-disciplinary procedures set forth in A.R.S. § 38-1101 et seq.

The following non-exhaustive list of issues are not subject to the appeal process:

1. Pay, benefits, or classification decisions
2. Outcome of a performance appraisal
3. Any personnel action or disciplinary action that does not result in suspension without pay for more than 24 hours (or three days in the case of a salaried employee), demotion, or termination.
4. Any reduction in force, layoff, or reorganization.

## **B. Pre-Determination Procedures**

The employee's supervisor or Department Director shall provide the employee written notice by way of an Employee Counseling Report Form setting forth the proposed disciplinary action of suspension without pay for more than 24 hours (or three days in the case of a salaried employee), involuntary demotion, or termination at least one business day before the time set for the pre-determination meeting. A copy of the proposed Employee Counseling Report will be forwarded to the Department Head and the Human Resources Director.

1. The Employee Counseling Report shall contain a statement of the reasons for such disciplinary action and shall document the opportunity for a pre-determination meeting with the employee's Department Head. These pre-determination meetings are informal in nature and there shall be no right to be represented by a lawyer at a pre-determination meeting.
2. Following the pre-determination meeting, or at the time set for such meeting if the employee fails to attend, the Department Head will withdraw, amend, or finalize the proposed disciplinary action and document it with the Employee Counseling Report, giving a copy to the employee and forwarding a copy to the Human Resources Director, indicating the date it was provided to the employee.

## **C. Post-Determination Appeal Procedures**

1. Within 10 calendar days of the receipt of the Employee Counseling Report following the pre-determination meeting, an employee subject to discipline in the form of a suspension without pay for more than 24 hours (or three days in the case of a salaried employee), an involuntary demotion, or termination may file a written notice of appeal with the Human Resources Director. Failure on the part of an employee to file a timely written notice of appeal shall constitute a waiver of the employee's right to any post-disciplinary appeal process.

Upon receipt of a notice of appeal, the Human Resources Director shall set a date for an appeal hearing. The date of the hearing shall be within a reasonable time from the receipt of the notice of appeal. The hearing will be conducted by a hearing officer appointed by the Human Resource Director. At the hearing, the employee will be afforded the right to present evidence, be represented by legal counsel, and cross-examine witnesses. The hearing shall not be bound by formal rules of evidence or procedure. A continuance of the hearing date may be granted by the Human Resources Director if, in his or her judgment, there is good cause to do so.

All testimony shall be under oath or affirmation and recorded by a certified court reporter or other reliable means. The order of proof in any hearing shall begin with the City presenting evidence supporting the disciplinary action, which shall be followed by the employee's production of evidence in his or her defense, and shall end with rebuttal by the City.

In addition to this section, appeal rights and procedures for statutorily defined law enforcement officers shall comply with A.R.S. § 38-1101 et seq.

2. Following the hearing, the hearing officer shall issue a written report, within 14 calendar days, with a recommendation either to uphold, modify, or reject the disciplinary action. The hearing officer will send the recommendation to the City Manager. The City Manager will make a final and binding decision based on her or his review of the hearing officer's report and evidence presented during the disciplinary process or hearing as to whether the disciplinary action should be upheld, rejected, or modified.

## POLICY STATEMENT

**Subject: Travel and Expenses**

Origination date: 07/24/02

Revision date: 10/24/2016

Policy number: 900

### Purpose

The purpose of this policy is to describe the scope of reimbursable expenses.

### Policy

The City will pay certain expenses for its employees when conducting City business when such expenses are above and beyond the normal expenses incurred by working and as set forth in the policy and related guidelines. Payment of expenses, whether through pre-payment or reimbursement, must be approved by the Department Head, and if necessary, the City Manager. Such expenses include per diem, transportation, and travel expenses, including rental cars, lodging and meals, mileage, and relocation expenses.

The City will not provide primary vehicle insurance for employees using personal vehicles while conducting City business. It is the employee's responsibility to maintain insurance at the state minimum level.

When utilizing rental vehicles for City business employees should not purchase insurance offered though the rental company. This coverage is provided through the City's insurance carrier.

In cases where liability damage occurs over personal or rental vehicle maximums, the City's insurance company will cover excess liability damages only. Employees must be performing duties in the scope of their job and meet any other policy requirements when the damage occurs in order for excess insurance coverage to be provided.

While operating City vehicles, or a personal vehicle while conducting City business, employees are required to comply with all State and local laws; failure to do so will result in disciplinary action up to and including termination. The City will not pay for citations or fines.

<b>ADMINISTRATIVE GUIDELINES</b>	
<b>Subject: Travel and Expenses</b>	
Origination date: 07/24/02	Revision date: 1/12/09, 10/24/2016, <b>08/20/2018</b>
Guideline Number: 910	

## **Purpose**

The purpose of these guidelines is to define authorized and unauthorized travel expenses.

## **Policy Communication**

The policy establishing the City's support for the reimbursement of job-related expenses can be found in Policy #900.

## **Guidelines**

The City pays transportation expenses for its employees when conducting City business away from the City. Whenever possible, the expense must be approved in advance or may not be considered for payment or reimbursement. All travel arrangements should be arranged as far in advance as possible to minimize the cost to the City (a general guideline is a minimum of 21 days in advance to secure the greatest savings).

Where a personal vehicle is used, it must be insured by the employee in amounts established by State minimum standards. Proof of insurance may be required of an employee before a personal vehicle is used in City business. The City will not provide primary vehicle insurance for employees using a personal vehicle while conducting City business. In the case of a liability claim, the employee's insurance will be primary, and the City's insurance will be secondary.

For purposes of this guideline, City business shall include pre-approved attendance at conferences, training, seminars, or meetings. Employees are expected to travel in the most efficient manner, with travel time and costs being the key components.

### **A. Authorized Expenses**

The City will pay reasonable expenses for the following incurred by employees conducting City business with the submission of appropriate back-up documentation:

1. Single or double hotel room, if lodging is required and approved in advance.

2. Conference and seminar registration fees for the employee, but not for spouse, children, or guests.
3. Meals in accordance with the following:
  - a. When traveling on City business, if requested and approved in advance, meals in the amount of the City-established per diem. If per diem is not requested and approved in advance, the employee will be reimbursed the actual cost of meals up to the per diem amount.
  - b. If a procurement card is used, actual expenses charged should not exceed the per diem amount listed, unless prior approval from the City Manager is received.
  - c. The City will also reimburse the actual cost of meals, which may not require travel but are directly related to City business.
  - d. The City's Economic Development Specialist and other staff authorized by the City Manager will be reimbursed the actual cost of meals for City related business, such as networking, developing relationships with existing and new businesses, and improving governmental relationships.
4. Actual costs associated with City-related events.
5. The cost associated with parking a vehicle, including meters, lots, and storage at the airport.
6. Employees traveling with a personal vehicle will be reimbursed mileage at the current IRS standard amount per mile (from City Hall) to the meeting site and return trip. This does not include routine home to work and work to home travel. When a City vehicle is available for work-related travel, it shall be used in lieu of a personal vehicle and will not entitle the employee to the reimbursement of mileage expenses.
7. Round-trip, coach-class air fare for the employee.
8. Taxi, limousine service, or rental car.
9. Personal telephone calls, limited to \$10.00 per day.
10. Customary tips associated with meals, baggage handling, etc.

## **B. Unauthorized Expenses**

The City will not reimburse employees for any travel expenses that are not enumerated in this guideline. Examples of unauthorized expenses include, but are not limited to: newspapers, magazines, alcoholic beverages, mini-bar expenses, movies, and additional lodging, meals, or travel expenses for a spouse, child, or guest traveling with the employee.



## ADMINISTRATIVE GUIDELINES

### **Subject: Conference, Training, and Seminar Expenses**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline Number: 920

### **Purpose**

The purpose of these guidelines is to set forth the steps for processing training and seminar expenses.

### **Policy Communication**

The policy establishing the City's support for the payment of job-related training expenses can be found in Policy #900 and Policy #500.

### **Guidelines**

Attendance at all job-related seminars, conferences, or training classes must be pre-approved by the Department Head.

Job-related seminars, conferences, or training classes, paid for by the City on behalf of an employee, will be prepaid whenever possible. The employee shall submit a requisition form to the Finance Department and receive payment upon the presentation of appropriate documentation.

The City will cover expenses, including seminar or conference registration, meals, and associated fees, provided that these expenses are directly related to the employee's job, prior approval has been obtained from the Department Head, and the expense falls within the City's travel expense policy. Department Heads shall ensure all expenses are justified, City-related, and reasonable.

The City will only pay for expenses directly connected to the conference or training. Any pre- or post-conference or training activities not directly related to the conference or training will not be paid for by the City or be done on City time. Arrivals and departures may need to be 24 hours before or after the conference or training. This is acceptable with Department Head approval.

If the City has paid for expenses related to a seminar, conference, or training, and the employee willfully does not attend, the employee shall reimburse the City for all incurred expenses.

If on-line classes are offered, the City will reimburse only up to the amount charged for in-person credit.

## ADMINISTRATIVE GUIDELINES

### **Subject: Relocation Expenses**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline Number: 940

### **Purpose**

The purpose of these guidelines is to outline the circumstances under which the City would provide relocation expenses for certain City employees.

### **Policy Communication**

The policy establishing the City's support for the payment of relocation expenses can be found in Policy #900.

### **Guidelines**

Relocation expenses, including travel to the City, moving expenses, and other associated costs are generally not payable by the City, unless advance approval from the City Manager is received. If such expenses are approved at the time of hiring they will be described in the employee's offer letter.

## ADMINISTRATIVE GUIDELINES

### **Subject: Employee Procurement Cards**

Origination date: 07/24/02

Revision date: 03/24/03, 1/12/09, 10/24/16,  
**08/20/2018**

Guideline Number: 950

### **Purpose**

The purpose of these guidelines is to define the parameters under which City employees will be issued City procurement cards. In addition, these guidelines will outline the appropriate use of City procurement cards and the consequences of misusing a City procurement card.

### **Policy Communication**

The policy establishing the City's support for the use of employee-issued City procurement cards can be found in Policy #900.

### **Guidelines**

#### **A. Authorized Cardholders**

Procurement cards may be held by City staff members as designated by the Department Head and authorized by the City Manager.

#### **B. Application for Procurement Card Privileges**

Employees requiring a City-issued procurement card will make an application through the Department Head to the City Manager. The Finance Director will secure the card through the bank or service under contract to the City for that purpose.

#### **C. Issuance**

Cards are issued jointly in the name of the City and the individual. When a card is issued, a Finance Department staff member will be identified as a liaison to the cardholder to assist with any concerns.

#### **D. Processing Statements for Payment**

##### **1. Required Documentation**

Employees holding procurement cards will reconcile their statements on a monthly basis, attaching all original documentation, indicating on the document the purpose for the charge and the account number to which the

expense is to be charged. If an original receipt or other document has been misplaced, the employee must attach a signed memo containing the above information.

2. Disputed Charges and Assistance

In the event of disputed charges or if an employee has any questions about the charges on a statement, the employee must contact their Finance Liaison assigned during the card issuance process.

3. Returns

In the event that items listed on a statement have been returned, the employee must check the subsequent statements for the credit and attach the credit slip to the statement when processing the payment. If a credit slip was not obtained, the employee will attach other documentation explaining the return. If the credit does not appear by the second subsequent statement, the employee will contact the employee's Finance Liaison.

**E. Lost or Stolen Cards**

Employees shall report lost or stolen cards immediately. Employees shall call the Finance Department, Accounts Payable Division at 464-3401. If not reported immediately, the employee or the employee's department budget will be held responsible for any fraudulent charges.

**F. Responsibilities of Procurement Cardholders**

1. Prohibited Use

Procurement cards may not be used for any non-City purpose.

Failure to comply with this guideline may result in disciplinary action up to and including termination. If such failure appears to also violate applicable law, the matter may be referred to the appropriate authorities for criminal prosecution.

2. Efficiency

A purchase should not be made with a procurement card unless it is the most efficient purchasing method. Procurement cards should not be used to replace planning ahead.

3. Hazardous Material

Procurement cards should not be used to purchase materials whose use or disposal may fall under hazardous materials or waste requirements. Items in this category include all chemicals, herbicides, pesticides, paints, solvents, cleaning and some shop supplies. Employees may only purchase an item of this type if: 1) it is necessary to meet an immediate operational need or they have previously purchased the identical product and brand; AND 2) they have the Material Safety Data Sheet (MSDS) for the product on file in the immediate work area or they can acquire it with the purchase. Employees may contact the Fire Department or refer to the MSDS with any questions regarding storage of these products.

#### **G. Responsibilities of Department Management for Procurement Card Use**

##### **1. Expenditure Review and Authorization**

Department Heads are responsible for approving purchases made by procurement cardholders. Cardholders have \$1,500 signature authority, or such other amount that has been authorized by the Finance Director. Cardholders are required to complete a Procurement Card Record for all purchases. Each department is responsible for preparing an overview of all the department's expenditures and providing the overview and individual records to Finance within 5 days of receipt of the bill. All forms can be obtained from the Finance Department.

##### **2. Inappropriate Purchases**

Employee cardholders are responsible for reimbursing the City for the cost of any purchases that are not made in compliance with this guideline, including finance charges and collection fees.

##### **3. Cardholder Performance**

The employee's immediate supervisor should review and approve the employee's purchases, as the supervisor is responsible for ensuring the employee is meeting all of the requirements specified for use of the card. Performance deficiencies related to the use of the procurement card may be subject to disciplinary action, up to and including termination. ~~and should be addressed in the employee's annual performance appraisal.~~

##### **4. Request for Cancellation**

The City Manager may also request the cancellation of a procurement card issued to an employee.

##### **5. Separation from Employment**

When an employee holding a procurement card terminates employment with the City, the employee's supervisor is responsible for returning the procurement card, Procurement Card Record, and any procurement card receipts to the Finance Director, who will cancel the card. The employee will be responsible for the payment of any charges not made in compliance with this guideline. The inappropriate charges may be withheld from the employee's final pay check.

## **H. Responsibilities of the Finance Director**

### **1. Issuance and Cancellation of Cards**

The Finance Director is responsible for processing the application of an authorized employee cardholder and for canceling the card of an employee cardholder as needed.

### **2. Review of Card Purchases**

The Finance Director is responsible for continually reviewing a sample of all procurement card purchases. The Finance Director will advise a supervisor whenever an employee is not meeting the requirements of this guideline. In the event that an employee cardholder violates this guideline, the Finance Director may inform the City Manager and recommend the cancellation of their card.

### **3. Auditor and Environmental Review**

The Finance Director is responsible for assisting the City Auditor, Contract Auditor and Chief Environmental Officer with any review of card purchases and for consulting them on any relevant concerns the Finance Director encounters during review of card purchases.

## **D. Recordkeeping**

Each employee cardholder is responsible for accurate record keeping and timely submission of the monthly statements and related receipts.

The commonly asked questions about procurement card use are attached to this guideline as Appendix A.

## **Appendix A**

### **Commonly Asked Questions about Procurement Cards**

1. How can I tell the procurement card from my personal account at my bank?
  - City of Eloy appears on the Procurement Card.
2. May I use the card for personal purchases and then reimburse the City?
  - No! If you do, your Procurement Card will be canceled and you will be required to pay for any disallowed charges.
3. What is my limit?
  - The limit is set by the City Manager.
4. What if the nature of my job requires a higher limit?
  - Make a written request through your Department Head to the City Manager stating the limit you require and why it is necessary.
5. What if I try to use my card and it is denied?
  - D. Contact the Finance Department.
6. How will I receive my bill?
  - F. It will be sent to your work place the same as other work mail.
7. When does a bill need to be provided to the Finance Department for payment?
  - H. Five (5) business days after you receive it.
8. What if I am on vacation?
  - I. Leave your log and your receipts with your supervisor for processing in your absence.
9. Why do I have to keep a log of purchases?
  - G. It will document what items were purchased and for what purpose in the event of any inquiry.
  - G. It will be helpful in the event of a lost receipt or disputed charge. It eliminates the need for a Check Requisition.

## POLICY STATEMENT

**Subject: Employee Safety and Health**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Policy number: 1000

### Purpose

The purpose of this policy is to establish a safety and health policy for the City of Eloy employees.

### Policy

#### A. Employee Responsibilities

Each employee will comply with safe practices in the workplace. Employees are encouraged to offer suggestions for improvements to the workplace to ensure a safe environment. Each employee is responsible for their own safety on the job and will be subject to disciplinary action, up to and including termination for unsafe work practices.

#### B. City Department Responsibilities

Each Department Head shall be responsible for implementing and monitoring the safety program within her or his department. Each City department may have their own safety guidelines or regulations specific to that department. These guidelines or regulations may be developed by the Department Head.

#### C. Controlled Substance, Drug and Alcohol Use and Testing

The City is committed to maintaining a drug and alcohol-free workplace in order to provide a safe work environment for employees and safe delivery of services to the public.

The City Manager will establish guidelines for addressing the use of drugs, alcohol, and controlled substances in the workplace. The guidelines shall allow for the testing of employees under the following circumstances:

1. Pre-Employment **(for applicable positions)**
2. Post-Accident
3. Reasonable Suspicion
4. Random Testing for safety-sensitive positions



**D      Workers' Compensation**

The City shall comply with all workers' compensation laws and requirements.

**E      Tobacco Use**

The City does not permit the use of cigarettes or other tobacco products by City employees in City buildings or City vehicles. Employees who choose to use such substances should do so in designated areas only.

**F.      Accident Reporting**

While employees should avoid any work-related accidents, some accidents may occur in the course of work. Risk Management shall provide a procedure for reporting work-related accidents.

In addition, each Department Head shall provide a procedure for employees to report potential safety hazards in the workplace to their immediate supervisor.

## ADMINISTRATIVE GUIDELINES

**Subject: Employee Safety**

Origination date: 07/24/02

Revision date: 10/24/2016

Policy number: 1010

### Purpose

The purpose of these guidelines is to create a safe work environment and to reduce the frequency and cost of occupational injuries, illnesses, and damage and loss of equipment.

### Policy Communication

The policy establishing the City's support for a safe work environment can be found in Policy #1000.

### Guidelines

#### A. Supervisor Responsibilities

While the individual employee is ultimately responsible for her or his own safety, supervisors are expected to ensure safe work practices consistent with the City policies. Specifically, supervisors are responsible for:

1. Providing a safe working environment, including access to proper equipment so that the employee can perform the job safely.
2. Developing, implementing, and administering safe work practices in the work place.
3. Ensuring that all occupationally connected injuries or illnesses, vehicle accidents, fire, property damage, or other loss of City resources are reported and investigated. When appropriate, supervisors should recommend corrective measures.
4. Inspecting City facilities and resources to ensure compliance with City and OSHA safety standards and criteria.
5. Coordinating accident/loss prevention activities.
6. Conducting and coordinating training programs related to safety issues.

7. Preparing and ensuring compliance of safety guidelines or regulations that specify expectations or requirements for their individual scope of work.
8. Conducting periodic audits of the effectiveness of safety practices.

In addition, each department should update their safety-related policies, as needed.

#### **B. Risk Management's Responsibility**

Along with the management in each department, Risk Management shall encourage compliance with all safety-related policies and guidelines.

#### **C. Potential Disciplinary Measures**

An employee who violates established safety practices may be subject to discipline, up to and including termination.

# ADMINISTRATIVE GUIDELINES

**Subject: Drug and Alcohol Testing**

Origination date: 07/24/02

Revision date: 12/10/07, 10/24/2016,  
11/11/2021

Guideline Number: 1020

The City of Eloy is strongly committed to maintaining a drug and alcohol-free workplace in order to provide a safe work environment for employees and safe delivery of services to the public.

Additional provisions necessary to fully administer the provisions of this guideline shall be included in an Administrative Directive issued under the authority of the City Manager and made available to all employees.

## A. Purpose

To establish a Drug and Alcohol Testing Policy to help prevent accidents and injuries resulting from the misuse of alcohol or use of controlled substances by City of Eloy employees. Furthermore, the policy ensures that the City of Eloy complies with applicable federal and state laws and regulations regarding the establishment of procedures for workplace drug and alcohol testing programs.

## B. Prohibitions

Employee abuse or misuse of alcohol or controlled substances may compromise the safety of employees and the public. The City of Eloy prohibits the manufacture, use, sale, distribution, presence in the body, and presence on City property of prohibited controlled substances and alcohol by all employees in the workplace and further prohibits the following:

1. **Alcohol concentration:** No employee shall report for duty or remain on duty while having an alcohol concentration of 0.02 or greater. No supervisor having knowledge that an employee has consumed alcohol shall permit the employee to perform or continue to perform work assignments.
2. **Alcohol on-duty use:** No employee shall use alcohol while performing work assignments. No supervisor having actual knowledge that an employee has used alcohol within four hours shall permit an employee to perform or to continue to perform work assignments.
3. **Alcohol pre-duty use:** No employee shall perform work assignments within four hours after using alcohol. No supervisor having actual knowledge that the employee has used alcohol within four hours shall permit an employee to perform or continue to perform work assignments.

4. **Use following an accident:** No employee required to take a post-accident alcohol test under this policy shall use alcohol for eight hours following the accident, or until he/she undergoes a post-accident alcohol test, whichever occurs first.
5. **Refusal to submit to a required alcohol or controlled substance test:** No employee shall refuse to submit to an alcohol or controlled substances test required under this policy. No supervisor shall permit an employee who refuses to submit to such tests to perform or continue to perform work assignments.
6. **Controlled substances use:**
  - a. No employee shall report for duty or remain on duty while using any controlled substances, except when the controlled substance has been legally prescribed by a Licensed Medical Practitioner (see definitions); the employee has properly disclosed the use of the controlled substance to his or her supervisor, and the City has determined that the use of the controlled substantive will not impair the safety of the employee or others.
  - b. No supervisor having actual knowledge that an employee has used a controlled substance shall allow the employee to perform or continue to perform work assignments unless permitted under the requirements of Section 6(a) above.
  - c. An employee shall inform his or her supervisor if the employee is taking any legally prescribed controlled substance or other prescription or therapeutic drug that may adversely affect his or her job performance or impact the safety of the employee or others. The City may require the employee to be evaluated by a medical practitioner to determine if the employee can safely perform his or her job responsibilities. The employee may be reassigned to perform work that can be safely performed while using such medication or placed on leave.

**C. Scope**

The Post-Accident and Reasonable Suspicion provisions of this policy shall apply to all City employees.

**D Definitions**

1. **ACCIDENT** means an unintentional act that results in bodily injury and/or property damage and that involves the use of a vehicle and/or equipment.
2. **ALCOHOL** means the intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols including methyl and isopropyl alcohol.
3. **CONTROLLED SUBSTANCE** means any substance that identified as a controlled substance in Schedules I through V of the Controlled Substance Act (21 U.S.C. § 812) (Exception: a pre-employment or post-accident test will not include testing for marijuana/THC unless otherwise required by law, rule or regulation). Controlled substances include, but are not limited to, marijuana/THC, cocaine, cocaine derivatives, opiates (narcotics), hallucinogens (LSD, mescaline), phencyclidine (PCP), and amphetamines .
4. **REFUSAL TO SUBMIT (to an alcohol or drug test)** means any of the following, and will be treated the same as a failed test:
  - a. Failure to provide adequate breath for testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
  - b. Failure to provide an adequate urine sample for controlled substances testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he/she received notice of the required urine testing, or
  - c. Engaging in conduct that clearly obstructs the testing process.
  - d. Providing a verified adulterated or substituted test.
  - e. Failing to take a second test when required.
  - f. Failing to cooperate with the testing process, including any attempt to interfere, alter, substitute, adulterate, contaminate, or in any way affect the outcome of a drug or
5. **SAFETY-SENSITIVE POSITION** means any job designated by the City as a safety-sensitive position or any job that includes tasks or duties that the City in good faith believes could affect the safety or health of the employee performing the task or others, including any of the following:
  - a. Operating a motor vehicle, other vehicle, equipment, machinery or power tools.

- b. Repairing, maintaining or monitoring the performance or operation of any equipment, machinery or manufacturing process, the malfunction or disruption of which could result in injury or property damage.
- c. Performing duties in the residential or commercial premises of a customer, supplier or vendor.
- d. Preparing or handling food or medicine.
- e. Operating a vehicle requiring a CDL.
- f. Carrying firearms as security personnel.

## **E Communication and Training:**

1. **General Communication:** Communication is an interactive process, and employees are encouraged to ask questions if there is any part of this program that they do not understand. Questions may be addressed to Risk Management.

Each employee is responsible for understanding and complying with the policy. Failure to read or understand any part of the policy and procedures does not relieve the employee of his or her responsibility to abide by the provisions of the policy.

2. **Policy Communication:** In order to ensure complete dissemination of this information, the City will:
  - a. Post bulletins announcing the required testing policies and procedures for all covered positions and employees.
  - b. Make available to all covered employees this entire policy and procedure by placing a copy in each work location. In addition, each designated employee will be provided a copy of the policy.
  - c. Provide a policy to newly hired employees.

## **3. Employee Training and Education:**

Supervisors will receive the information outlined above and will also be trained in:

- a. The profile of the at-risk employee;

- b. Ways to identify the at-risk employee;
- c. The characteristics of various drugs;
- d. Drug and alcohol testing;
- e. How to confront and refer an employee;
- f. Proper documentation;
- g. Additional information, to include required forms, checklists and fact sheets that appear in the appendix of this policy.

Supervisors of DOT employees designated by this policy must receive a minimum of two (2) hours of training each year.

All City supervisors shall receive training related to Post-Accident and Reasonable Suspicion testing upon appointment and at three (3) year intervals thereafter.

Risk Management shall coordinate the training for the Drug and Alcohol Testing for supervisors and employees. It shall notify employees, schedule and record attendance.

#### **F. Referral for Testing**

1. **Voluntary self-referral and follow-up.** The City of Eloy encourages any employee with a drug or alcohol problem to contact his or her supervisor or the Human Resources Department for assistance. The employee shall be referred to the Employee Assistance Program for professional aid. All communications will be strictly confidential. An employee will not be subject to discipline for voluntarily acknowledging a drug or alcohol problem, so long as the disclosure occurs before the employee is directed to take a test pursuant to this policy or is being investigated regarding a possible violation of this policy. Should an employee violate the Drug and Alcohol Policy, he or she will be subject to disciplinary action up to and including termination.
2. **Required tests:** Employees are subject to controlled substances testing for the following circumstances:
  - a. Pre-employment testing (for applicable positions)
  - b. Post-accident testing.
  - c. Random testing (for certain safety-sensitive positions).
  - d. Reasonable suspicion testing.

**G. Procedures for the Required Tests:** The procedures and supervisory responsibilities are defined for each required test as follows:



1. **Pre-Employment Testing:** Prior to offering employment to an applicant (potential employee) for any position and prior to the first day of employment, the following shall take place:

- a. The potential employee shall be informed that employment is conditional pending results of a controlled substance test.
- b. The controlled substance test must result in a verified negative. A potential employee who fails a pre-employment drug screen or refuses to participate in the process shall not be hired or be considered for a position for six (6) months, unless otherwise prohibited by law.
- c. Required pre-employment controlled substances testing shall be coordinated by Human Resources.
- d. Human Resources must obtain the potential employee's written consent to acquire a previous employer(s) information concerning participation in a drug and alcohol testing program. A potential employee who refuses to provide consent will not receive further consideration for employment.

2. **Post-Accident Testing:** When any City employee is involved in an accident, the employee shall submit to drug and alcohol testing. The testing should be done immediately, but no later than 32 hours after the accident.

a. Accidents requiring testing:

- (1) Any accident involving human fatality or bodily injury requiring immediate medical treatment away from the scene.
- (2) Any accident involving damage to a City vehicle (or a vehicle rented in the City's name).
- (3) Any damage to a vehicle or property resulting from a statutory violation (speeding, reckless driving, etc.) or failure of the operator to exhibit reasonable care.

**Exceptions:** Accidents to a standing vehicle, where the City operator is clearly not at fault.

b. When a required drug or alcohol test has not been administered within the time frames below following the accident, the following actions shall be taken:

Time Elapsed	Action Required
2 Hours	If the employee has not submitted to an alcohol test at this time, the Supervisor is to

	prepare a report stating the reason a test was not promptly administered. The report shall be forwarded to Human Resources for review and filing.
8 Hours	If the employee has not submitted to an alcohol test at this time, the City shall cease attempts to administer alcohol tests, and the Supervisor is to prepare a report as described above. The report shall be forwarded to Human Resources for review and filing of the document, and depending on the circumstances, discipline will be administered up to and including termination.
32 Hours	If the employee has not submitted to a controlled substance test at this time, the City shall cease attempts to administer the test, and the Supervisor is to prepare a report as described above. The report shall be forwarded to Human Resources for review and filing of the document, and depending on the circumstances, discipline will be administered up to and including termination.

c. The following steps shall be followed by the Supervisor in all post-accident testing:

- (1) All injuries shall be treated first.
- (2) The employee and the Supervisor shall cooperate with all law enforcement officers.
- (3) The Supervisor must contact the Risk Manager and other designated superiors prior to any action being taken.
- (4) The Supervisor will explain to the employee that testing is required to ensure that drugs or alcohol were not a contributing factor in the accident.
  - (a) If the employee refuses to submit to the required testing, the Supervisor shall inform the employee
    - i. The refusal to submit to testing will be considered a failure of the testing requirement.
    - ii. Continued refusal to submit to either drug or alcohol testing will result in the employee being placed on administrative suspension (with or without pay, as appropriate), pending a review of circumstances. Barring any

extenuating circumstances, refusal of testing shall be considered grounds for termination.

- iii. The employee shall be provided transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- (b) If the employee agrees to the testing, a Supervisor will transport the employee to the designated testing facility collection site, or otherwise arrangement for the employee's transportation. The Supervisor or his or her designee will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
- i. If the employee refuses to cooperate with the testing process or collection person, such refusal will be considered a failure of the test and the employee will be placed on administrative suspension (with or without pay, as appropriate) pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for termination.
  - ii. The employee shall be offered transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- (c) After the sample collections are obtained, the Supervisor shall provide or arrange for the employee to receive transportation home. The employee will be on paid administrative leave until the test results are known.
- (d) If the results of the test are negative the employee will be notified to return to work immediately.
- (e) If the results of the tested controlled substances are verified positive and/or the alcohol concentration is 0.02 or above, the employee will be placed on administrative suspension (with or without pay, as appropriate) pending a review of the

circumstances. Barring any extenuating circumstances, controlled substances tests, which are verified positive, shall be considered grounds for termination.

The Supervisor is required to document the accident in accordance with City policy, the events that led to the testing and the conversations and events that followed the request for testing.

3. **Random Testing:** Human Resources shall conduct unannounced random selection for both the controlled substances and alcohol testing for those employees whose job categories are considered safety-sensitive as defined herein, to the extent consistent with applicable state and federal law. Using only the assigned numbers, each quarter (months chosen at random) a computer-generated random number selection shall be used to select the appropriate percentage of employees from each pool to be tested. These percentages are subject to change under federal regulations.
  - a. Refusal to submit to either controlled substances testing or alcohol testing. If an employee refuses to submit to the required testing, the refusal shall be considered a failure of the testing requirement. The employee will be placed on administrative suspension (without or without pay, as appropriate) pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for termination.
  - b. Any selected employee who is absent from duty on the date designated for random testing will not be informed of the selection, and will automatically be added to the following testing period.
  - c. The testing will be evenly distributed throughout the year. Specimen collection will be done on different days of the week throughout the annual cycle.
  - d. All employees shall remain in the pool at all times, regardless of whether or not they have been previously selected for testing.
  - d. Sample collection for random drug testing and breath alcohol testing will be conducted at one or more designated collection sites.

- f. Collection site and testing policies and procedures shall be observed as set forth in this document.

**4. Reasonable Suspicion Testing:** Reasonable suspicion of drug or alcohol use by an employee may be established by observation or report of the employee's behavior, admission by the employee, evidence of conduct that shows impairment or shows physical signs of being under the influence, or news or newspaper articles indicating drug involvement and/or arrest. Symptoms of impairment may include the employee's speech, walking, standing, physical dexterity, agility, coordination, actions, movement, demeanor, appearance, odor, irrational or unusual behavior, negligence or carelessness in operating equipment, machinery or production or manufacturing processes, disregard for the safety of the employee or others, involvement in an accident that results in serious damage to equipment, machinery or property, disruption of a production or manufacturing process, or other symptoms causing a reasonable suspicion of the use of drugs or alcohol. Upon the City's determination that reasonable suspicion exists, the employee shall be required to submit to drug and/or alcohol testing.

- a. The decision to require testing for reasonable suspicion will be based upon observation by one or more supervisors or department heads. If not feasible for two (2) supervisors, the observation of one supervisor or department head is acceptable. Once a determination has been made that there is reasonable cause to believe that the employee's behavior warrants testing, the following actions must be taken:

1. The supervisor(s) and/or Department Head must contact the Human Resources Director or designee prior to any action being taken.
2. If there is agreement that testing is warranted, the supervisor(s), and/or Department Head must inform the employee of their observation. This discussion **MUST TAKE PLACE IN A PRIVATE SETTING**. The supervisors and/or City officials are required to explain that they have reasonable cause to believe that this behavior warrants testing. The City is allowed to have a witness present during this conversation.
3. The employee shall be given an opportunity to explain if a legitimate reason exists for the observed behavior. If the employee offers a reason for the behavior, the supervisor(s) and/or Department Head may determine

that the test is still required to verify the employee's explanation.

4. If an employee has a substance abuse problem, he or she may request assistance from Human Resources.
- b. Refusal to Submit: If the employee refuses to submit to the required testing, the supervisor(s) and/or Department Head will inform the employee that refusal to submit to testing shall be considered a failure of the testing requirement, and the employee will be placed on administrative leave (with or without pay, as appropriate) pending a review of circumstances. Barring any extenuating circumstances, refusal of testing shall be considered grounds for termination.

The employee shall be provided transportation home to prevent additional safety and liability concerns associated with driving under the influence.

- c. Agrees to submit: If the employee agrees to the testing, a supervisor will transport the employee to the designated testing facility collection site, or otherwise arrange for transportation. The supervisor or his or her designee will remain at the collection site with the employee, but shall not go into the examination room or sample collection room.
  1. If the employee does not cooperate with the testing process or collection person, such action(s) will be considered as a failed test and the employee will be placed on administrative leave (with or without pay, as appropriate) pending a review of circumstances. Barring any extenuating circumstances, refusal to cooperate shall be considered grounds for termination.
  2. The employee shall be provided transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- e. After the sample collection(s) are obtained, the employee shall be placed on administrative leave with pay pending the results. The employee shall be provided transportation home to prevent additional safety and liability concerns associated with driving under the influence.
- f. The supervisor is required to document, in writing, the events that led to the testing and the conversations and events that

followed the request.

- g. If the results of the testing are negative, the employee will return to work.
- h. If the results of the testing are positive, the employee will be placed on administrative leave (with or without pay, as appropriate) pending a review of the circumstances. Barring any extenuating circumstances, a positive controlled substance test shall be considered grounds for termination.

## **H. Drug Testing Procedures**

Substance abuse testing of employees and applicants for employment will be conducted by a City selected and approved medical facility or laboratory.

The substance abuse tests may require an employee to provide a sample of blood, breath and/or urine. All urinalysis or blood samples initially indicating a positive reading shall be subject to a repeat or confirmatory test using a gas-chromatography/mass-spectrometry or comparable technique. Only if the sample indicates "positive" on the initial and confirmatory tests will the employee or applicant be considered to have a tested "positive" for purposes of this policy. Samples will be gathered in an adequately private setting that also insures against the substitution or adulteration of the sample provided and protects a proper chain of custody. The employee will also have an opportunity to provide any information that may be considered relevant to the test such as recently used prescription or non-prescription drugs. Testing procedures shall comply with A.R.S. § 23-493.03, as amended. Additional details concerning the procedures for testing will be made available upon request.

## **I. Consequences of Violating This Policy**

- 1. An employee who tests positive, refuses to submit to drug or alcohol testing, refuses to sign all appropriate consent forms, or otherwise fails to participate in this policy to the City's satisfaction, may be subject to discipline up to and including immediate termination.
- 2. The appropriate level of discipline will be determined on a case-by-case basis at the City's discretion, and may include treatment or rehabilitation under terms established by the City.
- 3. This policy shall be construed in accordance with federal and state laws, including the Americans with Disabilities Act, the Family and Medical Leave Act, and the OMNIBUS Transportation Employee Testing Act of 1991.

4. The City may choose to reassign an employee in any particular job classification or position after the employee, either voluntarily or as a result of a positive drug test, seeks treatment or rehabilitation, unless otherwise prohibited by law.

**J. Right To Obtain Results.** Each employee or applicant tested pursuant to this policy shall, upon request, be provided a copy of their written test results.

**K. Right To Explain Test Results:** Prior to taking final disciplinary action, the City will, at the employee's or applicant's request, give the person an opportunity to explain, in a confidential setting, a positive test result. An employee's or applicant's failure to adequately explain the test result will constitute a violation of this policy.

**L. Confidentiality of Results; Access to Records:** The communications the City receives through this testing program that are relevant to test results are confidential and may not be disclosed except to the City's employees who have a legitimate business reason for knowing the information, the tested individual or as otherwise authorized by A.R.S. § 23-493.09, as amended.

**M. Employee Assistance Program**

1. **Treatment of Addictions:** The current City group health plan offers several options for the treatment of addictions. There are various organizations within the County that provide professional services for alcohol and drug problems.

Employees are encouraged to voluntarily utilize these services to deal with drug and alcohol dependence before job performance is affected. Voluntary self-referral to a treatment program shall not relieve the employee from his/her responsibility for adequate job performance. Self-referral after notification of a required drug or alcohol test will not eliminate the requirements to take such test(s), nor will it preclude disciplinary action against an individual who fails a required drug and/or alcohol test.

2. **Other Assistance:** Human Resources and Risk Management are committed to helping the employee understand this policy. The telephone numbers are:
  - a. Human Resources 466-9201
  - b. Risk Management 466-9201

**N. Drug and Alcohol Policy for CDL Drivers**



1. **Policy:** It is the policy of the City of Eloy that its drivers should be free from drug and alcohol abuse. Consequently, the use of illegal drugs or improper use of alcohol by drivers is prohibited. The overall goal of drug and alcohol testing is to ensure a drug-free and alcohol-free transportation environment and to reduce accidents, injuries and fatalities. The requirements of this policy are in addition to other requirements established by federal and state law and City policy regarding the use of alcohol and drugs. In some instances, those laws or policies may be more restrictive than the requirements set out in this policy.

This policy applies to every employee or prospective employee who performs a safety-sensitive function using a CMV and is required to hold a Commercial Driver's License (CDL) to perform his or her job duties, or who, in the case of a prospective employee would perform a safety-sensitive function using a CMV and be required to hold a CDL to perform his or her job duties, if hired, transferred, or promoted. To the extent that a conflict exists between the City's general policy on drug and alcohol testing and the policy for CDL drivers, the policy for CDL drivers shall govern for covered employees.

2. **Purpose:** The City of Eloy is required by federal law to implement a drug and alcohol testing program for all persons subject to commercial driver's license requirements. This program includes drug and alcohol testing on the bases of reasonable suspicion, random, post-accident, return-to-duty, follow-up and pre-employment. In addition, the City of Eloy is responsible for maintaining appropriate records, and notifying drivers of the requirements and consequences of the program.

3. **Authority:** Federal Highway Administration (FHWA) regulations 49 CFR Part 40, and 49 CFR Part 382, published February 15, 1994, hereinafter shall be referred to as the ACT. The FHWA under the direction of the Department of Transportation (DOT) published rules in compliance with the Omnibus Transportation Employee Testing Act of 1991.

The ACT requires employers to test employees for illegal use of alcohol and controlled substances. The ACT requires testing of employees if: (1) the employees are required to obtain and maintain a CDL; (2) the employees are required to operate heavy equipment with a gross vehicle weight of 26,000 lbs.; (3) the employees are required to perform safety-sensitive work assignments.

4. **Preemption of State and Local Laws**

Where compliance with both State or local requirement and the ACT is not possible; or compliance with State or local requirements is an obstacle to the accomplishment and execution of any requirement in the ACT, Title 40 §382.109 preempts any State or local law, rule, regulation or order. The exception is State criminal law that imposes sanctions for reckless conduct leading to actual loss of life, injury or damage to property, whether the provisions apply specifically to transportation employees, or the general public.

5. **Definitions:** For the purpose of this policy, the following terms are defined:

**Alcohol** - The intoxicating agent in beverage alcohol, ethyl alcohol or other low molecular weight alcohol including methyl and isopropyl.

**Breath Alcohol Technician (BAT)** means an individual who instructs and assists employees in the alcohol testing process and operates an evidential breath-testing device (EBT).

**Commercial Motor Vehicle** – Any motor vehicle used to transport passengers or property if it has a gross vehicle or combination weight of 26,001 or more pounds, is designed to transport 16 or more passengers, including the driver, or is used to transport placarded hazardous materials.

**Driver** -- Any person who operates a commercial motor vehicle. This includes full time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent, owner-operator contractors.

**Medical Review Officer (MRO)** - A licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by the City's drug testing program who meets the qualifications as listed in 49 CFR 40.3.

**PROHIBITED DRUGS** for DOT testing means marijuana, cocaine, opiates, phencyclidine (PCP) and amphetamines or as determined by the Regulations.

**Regulations** - Those regulations promulgated by the Department of Transportation found at 49 CFR part 40, and the regulations promulgated by the Federal Highway Administration found at 49 CFR part 382, as from time to time amended.

**Safety-Sensitive Function** - Includes all on-duty functions performed from the time a driver begins work or is required to be

ready to work. Safety-sensitive function includes driving, waiting to be dispatched, inspecting and servicing equipment, supervising, performing or assisting in loading and unloading, repairing or obtaining and waiting for help with a disabled vehicle, performing driver requirements related to accidents, and performing any other work for the City of Eloy or paid work for any other entity.

**Substance Abuse Professional** - A licensed physician or certified psychologist, social worker, employee assistance professional or certified addiction counselor with knowledge of and clinical experience in the diagnosis and treatment of alcohol and drug-related disorders.

## **6. Program Coordinator**

The City Manager shall act as the program coordinator to implement the alcohol and drug testing program of the City of Eloy within the guidelines of this policy.

## **7. Alcohol and Drug Prohibitions**

No driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function while having an alcohol concentration of 0.02 or greater. No driver shall be on duty or operate a commercial motor vehicle while the driver possesses alcohol. No driver shall use alcohol while performing a safety-sensitive function. No driver shall perform a safety-sensitive function within four (4) hours after using alcohol. No driver required to take a post-accident alcohol test shall use alcohol for eight (8) hours following the accident or until he or she undergoes a post-accident alcohol test, whichever occurs first.

No driver shall report for duty or remain on duty requiring the performance of a safety-sensitive function when the driver uses any controlled substance, except when use is pursuant to the instructions of a physician who has advised the driver that the substance does not adversely affect the driver's ability to operate a commercial motor vehicle. No driver shall report for duty, remain on duty or perform a safety-sensitive function if the driver tests positive for drugs. No driver shall refuse to submit to a controlled substance or alcohol test when provided for under this policy or the Regulations.

## **8. Pre-Employment Testing**

Drug tests shall be conducted in accordance with the Regulations before any driver is permitted to perform a safety-sensitive function for the City of Eloy. Testing for newly-hired drivers shall be conducted after the offer of

employment but before employment commences. Offers of employment are contingent on this test result. A refusal to submit to drug testing and/or refusal to release information as required by the City of Eloy shall remove the applicant from employment consideration. Such testing will also be required of any employee transferring into a covered position.

Human Resources must obtain and review the information listed below from previous employers if the potential employee performed safety-sensitive functions for the last two (2) years. The information obtained must include:

- (1) The name(s) and address(es) of the program(s) of the potential employee's prior and/or current employer.
- (2) Verification that the potential employee participates or participated in the program(s).
- (3) Verification that the program(s) conform(s) to the required procedures set forth in 49 CFR Part 40.
- (4) Date the potential employee was last tested for alcohol or controlled substances.
- (5) Information on any alcohol test taken by the potential employee in which a breath alcohol concentration of 0.04 or greater was indicated.
- (6) Information on the controlled substance test taken by the potential employee in which a positive result was indicated.
- (7) Information on any refusal to submit by the potential employee to a required alcohol or drug test.

Human Resources must provide to each of the potential employee's previous employers of the past two (2) years, a written authorization from the potential employee for release of the required information. The release of this information may take the form of personal interviews, letters, or any other method that ensures confidentiality. The City shall maintain a written, confidential record with respect to each past employer contacted.

The potential employee may not be employed if the information obtained indicates the potential employee has tested positive for drugs, tested at or above 0.04 breath alcohol concentration, or refused to test. If there is evidence the potential employee has been evaluated by a substance abuse professional, completed required counseling, passed a return-to-duty test, and been subject to follow-up testing, the employee may be employed.

## **9. Post-Accident Testing**

Alcohol and drug tests shall be conducted within two (2) hours after an accident on any driver who was performing a safety-sensitive function.

Drivers shall make themselves readily available for testing, unless such driver has the need for immediate medical attention.

Drivers in need of medical attention shall provide medical personnel with a urine or blood sample for testing purposes.

No such driver shall use alcohol for eight (8) hours after the accident, or until after he or she undergoes a post-accident alcohol test, whichever comes first. An alcohol test and a drug test must be performed within two (2) hours following an accident. Drivers must follow all post-accident instructions given by the City of Eloy.

Post-accident testing requirements may be fulfilled by a properly administered test conducted by federal, state and/or local law enforcement officials as long as the results of those tests are provided to the City of Eloy.

#### **10. Random Testing**

Alcohol and drug testing shall be conducted on a random basis at unannounced times throughout the year in accordance with the federal regulations. Tests for alcohol and drugs shall be conducted immediately before, during or immediately after the performance of a safety-sensitive function. Drivers shall be selected by a scientifically valid random process, and each driver shall have an equal chance of being tested each time selections are made. Random selections shall be spread throughout the year. Drivers who have been told of their random selections shall promptly provide a specimen. Any action that impedes the proper administration of a test shall be considered refusal to test.

#### **11. Reasonable Suspicion Testing**

Any qualified supervisor or City of Eloy administrator who has reasonable suspicion to believe that a driver has violated the alcohol or drug prohibitions of the City of Eloy shall require the driver to submit to reasonable suspicion test. A qualified supervisor or administrator must be a person who has been properly trained, in accordance with federal regulations, to make a determination that reasonable suspicion exists. This reasonable suspicion must be based on specific, contemporaneous, articulate observations concerning the appearance, behavior, speech or body odors of the driver. The observations may include indication of the chronic and withdrawal effects of alcohol or drugs.

An alcohol or drug test may not be conducted by the person who determines reasonable suspicion exists to conduct such a test. The

alcohol or drug test must be administered within two (2) hours of a determination of reasonable suspicion. If an alcohol or drug test is not administered within two (2) hours of a determination of reasonable suspicion, the City of Eloy shall prepare and maintain a record explaining why this was not done.

A qualified supervisor or City of Eloy administrator who makes observations leading to a reasonable suspicion test shall make a written record of his or her observations within twenty-four (24) hours of the observed behavior or before the results of the alcohol or drug test are released whichever is earlier.

**12. Refusal To Submit To Tests**

No driver shall refuse to submit to any of the tests. An employee will be considered to refuse to submit when he or she fails to provide adequate breath or urine for testing when notified of the need to do so, or ~~when he or she~~ engages in conduct that clearly obstructs the testing process. Such refusal will be treated as if the City of Eloy received a positive test. Refusal to submit to the tests will be grounds for termination.

**13. Urine Sample Collection.** The City will contract with an approved laboratory to perform all urine sample collections. Collection site personnel shall collect the required samples in accordance with FHWA guidelines as outlined in 49 CFR Part 40.

- a. The collection of the specimen shall be accomplished in a private setting without observation. However, this does not mean that the collection site personnel cannot be in the restroom or collection area at the time the specimen is furnished.
  1. The collection rest room must be inspected before and after each collection.
  2. Collection site personnel are required to verify employee identification by requesting to see a valid driver's license or identification with a photograph.
  3. Employees shall be required to allow collection site personnel to inspect personal belongings that may have been brought to the site.
  4. Collection site personnel may ask the employee to remove any unnecessary outer garments (jackets, sweaters, coats, etc.) that might conceal items or substances that could be used to tamper with or adulterate the urine specimen.
  5. The employee will be allowed to take their wallet into the collection room with them.

- b. Under the drug testing rules the “split sample” method of collection shall be used.
  - 1. The collection site person shall instruct the employee to provide at least 45 milliliters (ml) of urine under the split sample method into a single collection bottle.
  - 2. Once an adequate specimen has been collected and verified, the collection site person shall divide the specimen into two (2) bottles labeled “Primary” and “Split” specimen.
  - 3. The collection site person shall seal the samples, fill out the required “Chain of Custody” forms, and forward the samples to the testing laboratory.
  
- c. Failure to comply with the collection site person’s directions will be considered a failure of the testing requirements; and
  - 1. The employee will be placed on administrative suspension without pay pending a review of circumstances and absent extenuating circumstances, will be subject to dismissal.
  
- d. Insufficient amount of urine: Upon receiving the specimen from the donor, the collection site person shall determine if it has at least 30 milliliters of urine for the primary specimen bottle and an additional 15 milliliters of urine for the split specimen bottle.
  - 1. If the employee is unable to provide a sufficient quantity of urine:
    - (a) The collection site person shall instruct the employee to drink not more than 24 ounces of fluids and after a period of up to two (2) hours, again attempt to provide a complete sample using a fresh collection container.
    - (b) The original insufficient specimen shall be discarded.
  - 2. If the employee is still unable to provide an adequate specimen:
    - (a) The insufficient specimen shall be discarded, testing discontinued, and Risk Management shall be so notified.
    - (b) The MRO (see Part C of this Section) shall also be so notified and shall refer the employee for a medical evaluation to develop pertinent information concerning whether the employee’s inability to provide a specimen is genuine or constitutes a refusal to test. During this period of time the employee shall be placed on administrative suspension with pay pending the results.
  
- (1) In case of pre-employment testing: the collection site person shall notify Human Resources of the inability to provide an adequate urine sample.

- i. The collection site person shall discontinue the collection
    - ii. The collection site person shall notify Human Resources.
    - iii. The potential employee shall provide Human Resources with a valid medical explanation by a licensed physician at his/her own cost for the inability to provide an adequate urine sample.
  - (2) In the case of a post-accident or reasonable cause test, the employee shall remain at the collection site and continue to consume reasonable quantities of fluids until the specimen has been provided or until the expiration of a period of up to eight (8) hours from the beginning of the collection procedure.
  - (3) Upon completion of the examination, the MRO shall report his/her conclusions to Risk Management in writing.
- 3. An employee is prohibited from altering or substituting a urine specimen to invalidate or alter a test result. The collection site person shall.
  - (a) If the employee has presented a urine specimen that falls outside the normal temperature of 90.5° F - 99.8° F, and
    - (1) The employee declines to provide a measurement of oral body temperature, or
    - (2) Oral body temperature varies by more than 1.8° from the temperature of the specimen.
  - (b) The last urine specimen provided by the employee was determined by the laboratory to have a specific gravity of less than 1.003 and a creatinine concentration below .2g/l.
  - (c) The collection site person observes the specimen color to be cloudy, discolored, etc.
  - (d) The collection site person observes conduct clearly and unequivocally indicating an attempt to substitute or adulterate the sample (e.g. substitute urine, blue dye in specimen, etc.)
  - (e) Altered or substituted urine specimen. If the collection site person has reason to believe that an employee may have altered or substituted the urine specimen Risk Management shall be immediately notified.
    - (1) The employee may be subject to disciplinary action and will be placed on administrative suspension (with or without pay, as appropriate) pending a review of circumstances.
    - (2) The employee shall be provided transportation home.



4. Both bottles of the split sample (primary and split) provided by the employee shall be shipped in a single shipping container, together with the appropriate chain of custody forms, to the testing laboratory.
  - (a) The testing laboratory shall log in the split specimen, with the split specimen bottle seal remaining intact. The laboratory shall store this sample in a secure location.
  - (b) If the result of the testing of the primary specimen is negative, the laboratory may discard the split specimen.
  - (c) If the result of the testing of the primary specimen is positive, the laboratory shall retain the split specimen in storage for sixty (60) days from the date on which the laboratory acquires it. Following the end of the sixty (60) day period, if not informed by the MRO that the employee has requested a test of the split specimen, the laboratory may discard the split specimen.

- e. **Laboratory Testing Procedures:** As specified by federal regulations, all urinalysis testing shall be conducted by a laboratory that meets the guidelines that have been established by the Department of Health Services (DHHS) in full compliance with 49 CFR 40.
- f. **Medical Review Officer:** The MRO is a licensed physician (MD or DO) selected by the City to review and evaluate the results of verified positive drug test results. The MRO shall have knowledge of substance abuse disorders and appropriate medical training to interpret and evaluate test results, including the employee's medical history and any other relevant biomedical information.

The MRO shall report to Risk Management whether the test is verified positive or verified negative, and may report the drug(s) for which there was a positive test.

1. **Employee notification of positive results:** If the results of the drug testing are positive, the MRO shall make a determination that the testing process was accurate, and the employee's medical history will be reviewed.
  - (a) The MRO shall then contact the employee directly by telephone, on a confidential basis, to determine whether the employee wishes to discuss the test results and to provide an opportunity for the employee to explain why the test result was positive. Sometimes, a legitimate medical explanation for the results exists, including legally prescribed medication(s).
    - (1) If, after making reasonable efforts and documenting them, the MRO is unable to reach the employee directly, the MRO shall contact Risk Management or its designee who shall contact the employee's

supervisor to direct the employee to contact the MRO.

- (2) If, after making reasonable efforts, the City is unable to contact the employee, the employee shall be deemed to have failed the test and shall be subject to immediate termination.

2. **Split Specimen:** In a verified position test, the MRO shall notify the employee of the verified positive test.

- (a) The employee has seventy-two (72) hours in which to request a test of the split specimen at the employee's own expense. The employee will be required to provide payment for this test to the Risk Manager. Performance of this test will not be conditioned upon prior payment by the employee.
- (b) If the employee requests an analysis of the split specimen within seventy-two (72) hours of having been informed of a verified positive test, the MRO shall direct the laboratory in writing to provide the split specimen to another DHHS certified laboratory for analysis.
- (c) If the analysis of the split specimen fails to reconfirm the presence of drug(s) or drug metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO shall cancel the test and report the cancellation and the reasons for it to the DOT, the City and the employee.

3. **Failure to contact MRO:** If an employee fails to contact the MRO within the seventy-two (72) hours as provided for in this section,

- (a) The employee shall have the opportunity to present to the MRO information documenting that serious illness, injury, inability to contact the MRO, lack of actual notice or the verified positive test, or other circumstances prevented the employee from contacting the MRO in a timely manner.
- (b) If the MRO concludes that there is a legitimate explanation for the employee's failure to contact them ~~him/her~~, the MRO shall direct that the analysis of the split specimen be performed.

g. **Test Results:**

1. A verified positive drug test requires the removal of the employee from performing a safety-sensitive function without delay pending the results of the test of the split specimen. Therefore, upon notification by the MRO that the primary specimen results are positive, the employee will be placed on

- administrative suspension without pay pending the results of the test of the split specimen. If testing of the split specimen results in a negative finding, the employee shall be reinstated with back pay including reimbursement of the cost of the split specimen.
2. If the analysis of the split specimen results in a confirmed positive test as determined by the MRO, the MRO will then notify the City of the results. The City will then inform the employee that the drug test has returned positive, and the employee will be terminated from City employment.
  3. Dilute Specimen: If the MRO reports that a positive drug test was diluted, the test result will be treated as a verified positive test. If the MRO reports that a negative test was dilute, the City will require retaking of the test only if the test was the result of a post-accident or reasonable suspicion examination.
- h. **Disciplinary Actions/Sanctions:** When it appears that an employee should be subject to disciplinary action, there shall be a review of circumstances. Human Resources will meet with the employee and the employee's supervisor(s) and inform the employee of the findings. The following actions are a baseline of the minimal sanctions to be imposed; the actual sanctions may vary depending on the severity of the incident.
- i. **Administrative Suspension with pay** shall occur only during the investigation of the incident that leads to the charges of:
1. Post-accident with suspicion of being under the influence.
  2. Insufficient amount of urine.
  3. Reasonable suspicion.
  4. Pending results of a required controlled substance test.
- j. **Administrative Suspension without pay** shall be imposed upon evidence that the employee has committed one or more action prohibited by this policy:
1. Refusal to submit to testing.
  2. Failure to comply with collection side person's direction.
  3. Refusal to comply with any part of the policy.
- k. **Use of leave benefits** while on administrative suspension without pay:
1. **Allowed use of leave benefits:**
    - (a) Vacation leave
    - (b) Accumulated compensatory time.
  2. **Prohibited use of leave benefits:**
    - (a) Sick leave
- l. **Termination:** An employee shall be terminated upon:
1. A first verified positive controlled substance testing.

2. Refusal to comply with any one of the policy requirements:
  - (a) Submit to testing.
  - (b) To comply with any part of the policy.
  - (c) To comply with collection site person's direction.
  - (d) Insufficient amount of urine.
3. Post-accident with a verified positive test of a controlled substance.
4. An altered or substituted urine sample or two consecutive dilute urine samples.
5. Reasonable suspicion with a verified positive test result.
6. Failure to enroll in a substance abuse program within the 72 hours of being placed on administrative suspension with pay following a voluntary self-referral (Section 5A).

#### **O. Alcohol Testing Procedures:**

Alcohol testing may be conducted through the use of a certified Breath Alcohol Technician (BAT) using an Evidential Breath Testing Device (EBT) (DOT or NON-DOT). Employees shall be tested for alcohol at locations that prevent unauthorized persons from seeing or hearing test results. The necessary equipment, personnel and materials for breath testing shall be provided at the locations where testing is conducted.

1. **Exception:** Post-accident or other unusual circumstances that require a test to be conducted at a location that does not fully meet the requirements. In such a case:
  - a. The visual and aural privacy shall be provided to the employee to the greatest extent practicable.
  - b. This test may be conducted by law enforcement personnel. Risk Management shall acquire a copy of the alcohol testing results.
  - c. In some cases, blood testing for alcohol may be used, as provided by the ACT (i.e. a post-accident test).
2. **Prior to and during an EBT:** The BAT shall supervise only one employee's use of EBT testing device at a time. The BAT shall not leave the alcohol testing location while the testing procedure for a given employee is in progress.
  - a. Prior to the test, the BAT shall instruct the employee step by step through the testing process:
    1. The BAT will require the employee to provide positive identification (Driver's License), if the BAT does not know the employee.
    2. On request by the employee, the BAT shall provide identification to the employee.
    3. The BAT shall explain the testing procedures to the employee.

4. An individually sealed mouthpiece shall be opened in view of the employee and the BAT shall instruct the employee how to attach it to the EBT testing device.
5. The BAT shall instruct the employee to blow forcefully into the mouthpiece for at least six (6) seconds or until the EBT testing device indicates that an adequate amount of breath has been obtained.
- b. **Completing the Alcohol Testing Form:**
  1. The BAT shall complete Step 1 on the Breath Alcohol Testing Form.
  2. The employee shall then complete Step 2 and sign the certification. Refusal by the employee to sign this certification shall be considered a failure of the testing requirement.
    - (a) The employee will be placed on administrative suspension without pay pending a review of circumstances.
    - (b) The employee shall be driven home.
  3. The screen test resulting in a breath alcohol concentration of less than 0.02 shall be determined to be negative.
    - (a) The BAT shall date the form and sign the certification in Step 3.
    - (b) The employee shall sign the certification and date it in Step 4.
    - (c) If the employee does not sign the certification in Step 4 or does not initial the logbook entry for a test, it shall not be considered a refusal to be tested.
      - (1) The BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form and notify the City of the refusal.
      - (2) The employee will be placed on administrative suspension with pay pending a review of circumstances.
      - (3) Disciplinary action up to and including termination.
    - (d) The BAT shall show the employee the result of the EBT.
    - (e) The BAT shall transmit the result of less than 0.02 to the City in a confidential manner.
3. **Confirmation Test:** When the first screening test results in an alcohol concentration of 0.02 or greater, a confirmation test shall be performed. The purpose of this requirement is to prevent any accumulation of mouth alcohol leading to an artificially high reading.
  - a. Instructions for the confirmation test:
    1. The employee shall not leave the room, or be out of the BAT's sight, nor eat, nor drink, nor put any object or substance in his/her mouth, and must refrain from belching during a waiting

period from the beginning of the completion of the first screen test until completion of the confirmation test.

- (a) The time between screen tests shall not be less than fifteen (15) minutes nor more than twenty (20) minutes.
  - (b) The BAT shall explain to the employee the reason for this requirement and how it benefits the employee.
  - (c) The BAT shall also explain that the test will be conducted at the end of the waiting period, even if the employee has disregarded the instructions.
  - (d) If the employee has not complied with the instructions, the BAT shall so note in the "Remarks" section of the form.
- 2. If a BAT, other than the one who conducted the screening test is conducting the confirmation test, the new BAT shall:
  - (a) Initiate a new Breath Alcohol Testing form.
  - (b) The BAT shall complete Step 1 on the form.
  - (c) The employee shall then complete Step 2 on the form, signing the certificate.
  - (d) Refusal by the employee to sign this certification shall be regarded as refusal to take the test. The BAT shall note in the "Remarks" section of the form that a different BAT conducted the screening test.
    - (a) The refusal will be considered a failure of the testing requirement.
    - (b) The employee shall be placed on administrative suspension without pay pending a review of circumstances and shall be offered transportation home.
    - (c) Barring any extenuating circumstances, failure of the testing requirement will result in termination.
- 3. A new mouthpiece shall be used for the confirmation test.
- 4. Before the confirmation test is administered for each employee, the BAT shall ensure that the EBT registers 0.00 on an air blank test.
  - (1) If the reading is greater than 0.00, the BAT shall conduct another air blank test.
  - (2) If the reading is less than 0.00, testing shall not proceed using that instrument. But, testing may proceed on another instrument.
- 5. The BAT shall show the employee the result of the confirmation screen test.
- 6. Incomplete testing: If a screening or confirmation test cannot be completed, or if an event occurs that would invalidate the test.
  - (a) The BAT shall begin a new screening or confirmation test.

- (b) Use a new breath alcohol testing form with a new sequential test number.
  - b. Different test results between the first screening and confirmation screening:
    - 1. If the screening and confirmation test results are not identical, the confirmation test is final.
    - 2. If the employee does not sign the certification in Step 4 of the form or does not initial the logbook entry for a test, it shall be considered a refusal to be tested.
      - (a) In this event, the BAT shall note the employee's failure to sign or initial in the "Remarks" section of the form and notify the City of the refusal.
      - (b) The employee will be placed on administrative suspension without pay pending a review of circumstances.
      - (c) Barring any extenuating circumstances, failure of the testing requirement will result in dismissal.
    - 3. If a test result printed by the testing device printer does not match the display results, the BAT shall note the disparity in the remarks section. Both the employee and the BAT shall initial or sign the notation.
      - (a) The test is invalid and the City and the employee shall be so advised.
      - (b) The employee will be rescheduled for testing.
  - c. Transmission of Alcohol Testing records: The BAT shall transmit all results to the Risk Management Department in a confidential manner. All communications concerning the alcohol testing results of employees shall be made solely to designated City representative. The designated City representative shall be the Risk Manager or designee.
    - 1. Such transmission may be in writing, in person or by telephone or electronic means, but the BAT shall ensure immediate transmission to the City of results that require the City to prevent the employee from performing a safety-sensitive function(s).
    - 2. If the initial transmission is not in writing, the City shall establish a mechanism to verify the identity of the BAT providing the information.
    - 3. If the initial transmission is not in writing, the BAT shall follow the initial transmission by providing to the City the City's copy of the breath alcohol testing form.
    - 4. All test records shall be confidential and maintained in a controlled access.
- 4. **Refusal to Test:** If an employee refuses to cooperate with any part of the testing process he/she will be placed on administrative suspension

without pay pending a review of circumstances and will be taken ~~offered~~ ~~a ride~~ home. Barring any extenuating circumstances the employee shall be terminated. The BAT shall immediately notify the Risk Manager or designee.

- a. The termination of testing will be considered a failure of the testing requirement, and the employees will be subject to termination when:
  - 1. The employee refuses to complete and sign the breath testing form (Step 2).
  - 2. The employee refuses to provide breath, or does not provide an adequate amount of breath.
  - 3. The employee refuses to cooperate with the testing process and prevents the completion of the test.

5. **Inability to Provide Adequate Amount of Breath:** If an employee claims that he/she is unable to provide an adequate amount of breath to successfully complete an EBT, due to a medical condition, the following procedures shall be followed:

- a. The BAT shall instruct the employee to attempt to provide an adequate amount of breath.
  - 1. If the employee refuses to make the attempt, the BAT shall immediately inform Risk Management.
  - 2. Risk Management shall direct the employee to obtain an evaluation from a licensed physician showing medical cause within five (5) working days of the attempted EBT. Risk Management shall select the licensed physician. During this period of time the employee will be placed on administrative suspension with pay pending the results of the medical examination.
  - 3. If the physician determines, in his/her reasonable medical judgment, that a medical condition has, or with a high degree of probability, could have, precluded the employee from providing an adequate amount of breath, the employee's failure to provide an adequate amount of breath shall not be deemed a refusal to take the test.
    - (a) The physician shall provide to the City a written statement of the basis for his/her conclusion.
    - (b) The employee shall be returned to work status.
  - 4. If the physician, in their reasonable medial judgment, is unable to make the determination, the employee's failure to provide an adequate amount of breath shall be regarded as a refusal to take the test.
    - (a) The physician shall provide to the City a written statement of the basis for his/her conclusion. Such a determination will be considered a failure of the testing requirement and will result in termination.



6. **Invalid Test:** A breath alcohol test shall be invalid under any of the following:
- a. The external calibration check of an EBT produces a result that differs by more than the tolerance stated by the manufacturer from the known value of the test standard. In this event every test result of 0.02 or above obtained on the device since the last valid external calibration shall be invalid.
  - b. The BAT does not observe the minimum fifteen (15) minute waiting period prior to the confirmation test.
  - c. The BAT does not perform an air blank test of the EBT before a confirmation test, or an air blank test does not result in a reading of 0.00 prior to or after the administration of the test.
  - d. The BAT does not sign the form as required.
  - e. The BAT has failed to note on the remarks section of the form that the employee has failed or refused to sign the form following the recording or printing on or attachment to the form of the test result.
  - f. An EBT fails to print or display a confirmation test result.
  - g. On a confirmation test and, where applicable, on a screening test, the sequential test number or alcohol concentration displayed on the EBT is not the same as the sequential test number or alcohol concentration on the printed result.
7. **Test Results:**
- a. An employee who is found to have an alcohol concentration of 0.02 or greater shall be placed on administrative suspension without pay for a period of not less than 24 hours following administration of the alcohol test. The employee shall be driven home. The employee will be encouraged to seek assistance from a Substance Abuse Counselor. Barring any extenuating circumstances, the employee will be terminated from City employment.
8. **Disciplinary Actions/Sanctions:** When it appears that an employee should be subject to termination, there shall be a review of circumstances. Human Resources will meet with the employee and his/her supervisor(s) and inform the employee of the findings.

The following actions are a baseline of the minimal sanctions to be imposed; the actual sanctions may vary depending on the severity of the incident.

- a. **Administrative suspension with pay** shall occur only during the investigation period of the incident that lead to the charges of:
  - 1. Post-accident with suspicion of being under the influence.
  - 2. Failure to provide adequate breath and a valid medical cause.

3. Reasonable suspicion.
- b. **Administrative suspension without pay** shall be imposed upon evidence that the employee has committed one or more actions prohibited by this policy:
  1. Refusal to submit to testing.
  2. Failure to comply with BAT's instructions.
  3. Refusal to comply with any part of the policy.
  4. An EBT resulting in 0.02 or higher.
- c. **Use of leave benefits** while on administrative suspension without pay:
  1. **Allowed use of leave benefits:**
    - (a) Vacation leave.
    - (b) Accumulated compensatory time.
  2. **Prohibited use of leave benefits:**
    - (a) Sick leave.
    - (b) Donated leave.
- d. **Termination:** An employee **shall** be terminated upon:
  1. An EBT resulting in an alcohol concentration level of 0.02 or higher.
  2. Refusal to comply with any one of the policy requirements:
    - (a) Submit to testing.
    - (b) Or failure to comply with BAT's instructions.
    - (c) Or failure to provide adequate breath and a valid medical cause by a licensed physician.
    - (d) Or failure to comply with any part of the policy.
  3. Post-accident with an alcohol concentration level of 0.02 or higher.
  4. Reasonable suspicion test resulting in an alcohol concentration level of 0.02 or higher.
  5. Failure to enroll in a substance abuse program within 72 hours of being placed on administrative suspension following a voluntary self-referral.

#### **P. Enforcement**

Employees whose conduct involved alcohol and drug use cannot return to duty in a safety-sensitive function until the return-to-duty test produces the required result. In the event a driver tests positive for drugs, or has a confirmed alcohol concentration of 0.02 or greater, the driver is considered to have violated the City's Zero tolerance drug and alcohol policy. A positive controlled substance test shall be considered grounds for termination.

#### **Q. Rehabilitation**

The City of Eloy shall provide for the identification of a Substance Abuse Professional (SAP) for treatment for those employees who have violated

the prohibitions of the regulations. This information shall include the names, addresses and telephone numbers of SAPs and counseling and treatment programs. Any rehabilitation or evaluation sought shall be at the expense of the driver. The City of Eloy has discretion to allow an employee to participate in a rehabilitation program. The employee does not have a right to participate in a rehabilitation program in lieu of discipline. If the City chooses to allow an employee to participate in a rehabilitation program, such a program may be in addition to and supplemental to discipline. The City of Eloy shall not allow an employee to participate in a rehabilitation program in lieu of discipline if the employee has a previous identifiable violation.

#### **R. Employees Records**

Employees' alcohol and drug test results and records shall be maintained in strict confidentiality and released only in accordance with law. Upon written request, a driver shall receive copies of any records pertaining to his or her use of alcohol or drugs, including any records pertaining to his or her tests. Test records shall be maintained with the separate medical files of each employee.

#### **S. City of Eloy Records and Reports**

The City of Eloy shall maintain records of its alcohol and drug prevention programs as required by federal law in 49 CFR 382.401.

The communications the City receives through this testing program that are relevant to test results are confidential and may not be disclosed except to the employees who have a legitimate business reason for knowing the information, the tested individual, or as otherwise authorized in applicable Arizona Revised Statutes. The City shall comply with the provisions of the Arizona Medical Marijuana Act.

#### **T. Record Keeping and Confidentiality**

- 1. General Provisions:** All records are confidential and shall be filed in an area with controlled access. Except as required by law or expressly authorized or required by the ACT designated employee information that is contained in the records shall not be released.
- 2. Availability and Disclosure of Testing Information:**
  - a. Records of Drug Testing:**
    1. Contracts with testing laboratories shall require that the laboratory maintain employee test records in confidence, as provided by the ACT. The contracts shall provide that the laboratory shall disclose information related to a

positive drug test of an employee, the employer, or the decision maker in a lawsuit, grievance or other proceeding initiated by or on behalf of the employee and arising from a certified positive drug test.

2. An employee who has been subjected to a controlled substances test conducted under this policy shall, upon written request, have access to any records relating to that employee's drug test, and to any records relating to the results of any relevant certification, review, or revocation of certification proceedings.
3. The MRO shall not disclose to any third party medical information provided by the employee to the MRO as part of the testing verification process. The MRO may disclose such information to the City, a DOT agency, other Federal safety agency or a physician responsible for determining the medical qualifications of the employee under applicable regulations only as provided by the ACT.

b. **Releasing Records of Alcohol Testing:**

1. An employee subject to testing is entitled, upon written request, to obtain copies of any records pertaining to the employee's use of alcohol, including any records pertaining to his/her alcohol test.
2. Access to all facilities utilized in complying with the requirements of the regulations shall be made open to all regulatory authority.
3. When requested by the Secretary of Transportation, any DOT agency with regulatory authority over the City, the City shall make available copies of all results of City alcohol testing conducted under such requirement and/or authority, and any other information pertaining to the City's alcohol misuse prevention program. The information shall include name of the specific alcohol test, test results, records and reports.
4. When requested by the National Transportation Safety Board as part of an accident investigation, the City shall disclose information related to the City's administration of any post-accident alcohol tests administered following the accident.
5. The City shall make records available to a subsequent employer upon written request from a covered employee. Disclosure of records to a subsequent employer without a written request from a covered employee is forbidden.
6. The City may disclose information to be maintained under the ACT pertaining to a covered employee to that employee or to the decision maker in a lawsuit, grievance, or other proceeding initiated by or on behalf of the

employee, and arising from the results of an alcohol test administered under the requirement of the law, or from the City's determination that the employee engaged in conduct prohibited by a DOT agency regulation such information can be released to including, but not limited to, worker's compensation, unemployment compensation, or other proceeding relating to a benefit sought by the employee.

7. The City shall release information regarding a designated employee's records as directed by a specific, written consent of the employee authorizing release of information to an identified person. Release of such information is permitted only in accordance with the terms of the employee's consent.

c. **Maintenance and Disclosure of Records (EBT's and BAT's):**

1. The following records shall be maintained for two (2) years:
  - (a) Records of the inspection and maintenance of each EBT used in employee testing;
  - (b) Records of the training and proficiency testing of each BAT used for employee testing;
  - (c) Required logbooks.
2. Records pertaining to the calibrating of each EBT used in alcohol testing, including records of the results of external calibration checks shall be maintained for five (5) years.
3. Records required to be maintained by the federal regulation shall be disclosed as required.

d. **Disclosure of Records:** The Human Resources Department shall be responsible for maintaining, securing and releasing the following:

1. Documentation of the random testing selection process;
2. Supporting documents for post-accident or reasonable cause testing decisions;
3. Records of the collection process to indicate specimen identification, accountability and chain of custody;
4. Any employee records or reports provided to the City by the MRO;
5. Records of test results provided to the City by the testing laboratory;
6. Records of the test results and any information provided by the affected employee concerning retests;

7. Records of return to duty test if an employee who failed to pass or refused a drug and/or alcohol test is returned to duty;
  8. Records summarizing any negative drug and/or alcohol test results based on scientific insufficiency.
- e. **Records Retention:** In the case of employees who fail to pass a drug and/or alcohol test, all collection and test records shall be retained for five (5) years. Such records will only be retained for one (1) year for employees who pass the drug and/or alcohol test.
  - f. **Reporting:** The Human Resources Department will maintain information as required and shall submit reports as required by federal regulations to the DOT.
  - g. **Reviewing Records:** An employee may request to review their Substance Abuse records per current City policy.

## **U NOTIFICATION**

Each driver shall receive educational materials that explain the requirements of the Code of Federal Regulations Title 49, Part 382, together with a copy of the City of Eloy's policy. The program coordinator shall ensure that all covered employees receive written materials explaining the City of Eloy's drug and alcohol misuse prevention program requirements including:

1. The identity of the program coordinator, a contact person knowledgeable about the materials, policy, administrative regulations and the Omnibus Act.;
2. The categories of employees covered;
3. Sufficient information about the safety-sensitive functions performed by drivers to make clear what period of the work day the driver is required to comply with Part 382;
4. Specific information concerning prohibited conduct;
5. The circumstances under which employees will be tested;
6. Procedures used in the testing process;
7. The requirement that a driver submit to alcohol and drug tests administered in accordance with federal law.

8. An explanation of what constitutes a refusal to submit to a drug and/or alcohol test;
9. The consequences for drivers found to have violated the drug and alcohol prohibitions of Part 382, including the requirement that the driver be removed immediately from safety-sensitive functions and the procedures for referral, evaluation and treatment;
10. The consequences for drivers found to have an alcohol concentration of greater than 0.00 but less than 0.04; and
11. Information on the effects of drug and alcohol misuse on personal life, health and safety in the workplace.

Drivers shall also receive information about legal requirements, the City of Eloy's policies and disciplinary consequences related to the use of alcohol and drugs.

Employees shall sign a statement certifying that they have received the materials.

Before any driver operates a commercial motor vehicle, the City of Eloy shall provide him or her with post-accident testing requirements.

Before drug and alcohol tests are performed, the City of Eloy shall inform drivers that the tests are given pursuant to the Code of Federal Regulations, Title 49, Part 382.

The City of Eloy shall notify a driver of the results of a pre-employment drug test if the driver requests such results within sixty (60) calendar days of being notified of the disposition of his or her employment application.

The City of Eloy shall notify a driver of the results of random, reasonable suspicion and post-accident drug tests if the test results are verified positive. The City of Eloy shall also tell the driver which controlled substance(s) were verified as positive.

In the event a driver tests positive for a controlled substance, the driver shall have the right to have the split specimen (collected at the same time as the tested specimen) re-tested at their expense, provided that the driver provides written notice to the Medical Review Officer (MRO) within seventy-two (72) hours of being notified of the positive result.

## **V. Employee Acknowledgment**

I acknowledge that the City of Eloy is committed to preventing accidents and injuries resulting from the misuse of alcohol or use of controlled substances. Therefore, in compliance with the Federal Drug-Free Workplace Act of 1988, other federal and state mandates, and in accordance with the City's own precepts and philosophy, the City of Eloy has two established policies.

The following activities are **prohibited**:

1. Reporting to work under the influence of a prohibited drug or under the influence of alcohol.
2. The use, consumption, sale, purchase, transfer or possession of any prohibited drug by any employee during working hours, while on work assignments, or on City premises; and
3. The consumption of alcohol by any employee during work hours, while on work assignments or on City premises.

**The City of Eloy policies on DRUG AND ALCOHOL TESTING AND DRUG AND ALCOHOL TESTING FOR CDL DRIVERS** prohibit the use of alcohol and controlled substances on the job and require pre-employment testing, post-accident testing, reasonable suspicion testing, random testing.

**Prohibited Drugs:** Both policies prohibit the use of alcohol and controlled substances which include but are not limited to: 1 - Marijuana; 2 - Cocaine; 3 - Cocaine Derivatives; 4 - Opiates (narcotics); 5 - Hallucinogens (LSD, Mescaline); 6 - Phencyclidine; and 7 - Amphetamines.

**Conditions of Employment:** As an employee I understand that I am expected to abide by the terms of this policy as a condition of employment and to notify the Human Resources Department of any drug statute and/or alcohol related conviction no later than five (5) days after such conviction. I understand that every possible effort shall be expended to hold such information in confidence within the City, but such information may be required to be reported to a state or federal agency if a grant or contract funding for the position is involved, or as otherwise required by law or regulation.

**Disciplinary Action Upon Violations:** I understand if I violate the policies cited, I am subject to immediate dismissal. Other sanctions may also be imposed by State criminal law.

**Legally Prescribed Drugs:** The use of legally prescribed and over-the-counter medications is excluded from this policy. However, such use is



permitted only to the extent that the use of such medication does not adversely affect the employee's ability to work, the employee's job performance or the safety of the employee or others. The use of prescribed medications must be under the direction of a licensed physician. **Employees are required to report such use to their supervisor.**

I have received a copy of the Drug and Alcohol Testing Policy. I agree to read all provisions, conditions and any amendments as set forth. I further understand that I am expected to abide by the terms of this policy as a condition of employment.

Employee Printed Name

\_\_\_\_\_  
Employee Signature

\_\_\_\_\_  
DATE

\_\_\_\_\_  
For the City

\_\_\_\_\_  
DATE

**W. INDEX OF FORMS**

Reasonable Suspicion Observation Checklist

## POLICY STATEMENT

**Subject: Medical Inquires**

Origination date: 07/24/02

Revision date: 12/10/07, 10/24/2016

Policy number: 1030

### Purpose

In certain situations, the City may have a need to determine the physical or mental fitness of an employee to perform the essential functions of his or her job without endangering the employee or others. The process for conducting these independent medical examinations, including the circumstances under which they would be conducted, will be outlined in this administrative guideline.

### Policy Communication

The policy establishing the City's support for a safe work environment can be found in Policy #1000.

### Guidelines

#### A. Circumstances Leading to a Medical Evaluation

The Department Head, with the approval of the Human Resources Director, may require an employee submit to a medical evaluation under the following circumstances:

1. When the employee presents medical documentation that limits his or her ability to perform the essential functions of the job and additional information is required.
2. When the City has a reasonable belief based on objective evidence, such as observation or information reported from a credible source, that an employee has a physical or mental impairment that negatively impacts the ability to perform essential functions of the job or poses a direct threat to the safety of the employee or others.
3. When an employee returns to work after being on medical leave.
4. When an employee is injured on the job and the City requires a second opinion of the employee's medical condition.

## **B Steps to Be Taken to Initiate a Medical Evaluation**

1. When a Department Head becomes aware of a situation where an employee's medical condition limits or restricts the employee's ability to perform the essential functions of the job or poses a threat to the safety of the employee or others (or otherwise believes that there are circumstances warranting a medical examination under this policy), the Department Head should contact the Human Resources Director for assistance.
2. The Human Resources Director will coordinate an appointment for the employee and ensure the employee has the necessary information to attend the appointment. The City will pay the cost of the medical evaluation.
3. Results of the medical evaluation will be given to the employee and a copy sent to the Human Resources Director with any job-related restrictions or limitations conveyed to the Human Resources Director and a copy of the restrictions given to the employee.
4. The Human Resources Director will share any confirmed medical restrictions with the Department Head and/or supervisor to the extent necessary and required for business-related purposes.
5. If an employee requests a reasonable accommodation for a physical or mental impairment, such request will be evaluated in accordance with the Americans with Disabilities Act.

## **C. Confidentiality**

Results of any City-ordered medical or psychological evaluation are the property of the City and shall be kept strictly confidential and are to be shared only with the Human Resources Director and individuals with a compelling need to have such information.

## POLICY STATEMENT

**Subject: Workers' Compensation**

Origination date: 07/24/02

Revision date: 1/12/09, 10/24/2016

Policy number: 1050

### Purpose

The purpose of this guideline is to describe the protections afforded to employees under the State Workers' Compensation Act.

### Policy Communication

The policy establishing the City's support for a safe work environment can be found in Policy #1000.

### Guidelines

#### A. Provisions

Workers' Compensation shall be provided to City employees through the State Compensation Fund for injuries sustained or illness contracted while in the official performance of job assignments with the City. An employee will be paid their regular pay for up to 30 calendar working days following the initial injury or initial onset of illness. After 30 calendar working days, the employee will receive worker's compensation payments directly, for as long as the payments are authorized. No injury leave will be granted for aggravation of, or re-injury of, a previously approved claim. Employees are not allowed to work at secondary employment while on injury leave.

During the first 30 days, the leave will be accounted for as injury leave. After 30 days, the employee will be able to use any accrued leave, including sick leave, vacation leave, or compensatory time to supplement the worker's compensation provided income.

#### B. Notification Requirement

All Workers' Compensation funds received by the employee from the State Fund shall be turned over to the Human Resources Director during the first 30 days following the injury or onset of the illness. During the period of time an employee is on Workers' Compensation and receives regular pay, he or she required to report to the Department Head or immediate supervisor at least once per week regarding the status of the injury or illness. Failure to comply with this notification requirement may result in termination of City wages.

### **C. Procedures to Follow if there is a Work-Related Injury**

1. Employees must report the injury to their supervisor immediately. The supervisor shall direct the employee to obtain the appropriate medical treatment. Supervisors shall complete the Supervisor's Report of Industrial Injury Form and forward to Human Resources within 24 hours of injury, unless the injury prevents the filing of the report within the time period. Both the employee and the supervisor must sign the form. In the event of a life-threatening emergency, the employee should obtain immediate medical attention.
2. Human Resources will complete the Employer's Report of Industrial Injury immediately upon receipt of the Supervisor's Report of Industrial Injury. The Employer's Report is to be submitted no later than three days after the injury. The Employer's Report is forwarded to the State Compensation Fund and the Industrial Commission of Arizona.
3. The industrial injury medical provider will advise Human Resources if recuperation is required or if medical restrictions apply. Human Resources will forward the employee's return to work status to the immediate supervisor. The medical provider will specify the prognosis and return to work date.
4. The employee must obtain a fitness for duty release, signed by the medical provider, if required, before returning to work.
5. An employee may be required to obtain a second opinion from a physician on the condition of the injury, if so requested by the City, under the process defined in Administrative Guideline #1030 – Medical inquiries.
6. As required by law, the City will post the injury time lost (OSHA 200 log) as reported each February. All employees will have access to the City's time lost statistics.

### **D. Leave Accounting**

Time off for industrial leave will also count towards the employee's FMLA leave. FMLA leave runs concurrent with industrial leave time.

## ADMINISTRATIVE GUIDELINES

### **Subject: Accident and Loss Reporting**

Origination date: 07/24/02

Revision date: 10/24/2016

Guideline number: 1060

### **Purpose**

The purpose of this guideline is to describe the appropriate steps to be taken in the event of a motor vehicle accident, an accident resulting in property damage, or if there is injury as the result of an accident. In addition, this guideline will establish a process for employees to notify the City of any potential hazards.

### **Policy Communication**

The policy establishing the City's support for a safe work environment can be found in Policy #1000.

### **Guidelines**

#### **A. Reporting Motor Vehicle Accidents**

These procedures are to be followed after the appropriate medical treatment has been rendered. The employee's immediate supervisor must make every attempt to meet the following required time-lines.

All employees who are involved in a vehicle accident or incident or injury on City time or in a City vehicle, shall notify their immediate supervisor as soon as practical. If the supervisor cannot be reached, the employee should call the City Police Department at (520) 466-7324 and have the Department Head paged.

Accidents and incidents involving City-owned vehicles or on City time shall be investigated by the appropriate jurisdiction at the time of their occurrence. An employee involved in such an accident/incident must notify her or his immediate supervisor as soon as practical and fill out an Incident and/or Accident Report Form. The Incident and/or Accident Report Form should be forwarded to the immediate supervisor within 12 hours of the incident. The immediate supervisor will forward the completed Incident and/or Accident Report Form along with any supporting documentation, through the appropriate chain of command to Risk Management within 24 hours of the accident/incident. Employees shall not conduct the investigation of an occurrence in which they are personally involved.

Mandatory drug, alcohol, and controlled substance testing may be required in all injuries and accidents involving City employees using City vehicles or on City time. Employees should be transported to the City's Industrial Provider or closest

appropriate medical facility immediately (by their supervisor) for drug, alcohol, and controlled substance testing following the injury and/or accident. (Guideline #1020)

For out-of-area or out-of-state injuries and accidents, the employee must report to a local medical facility (by a means other than themselves) for any immediate medical care and submit to a test for drugs, alcohol, and controlled substances. The medical facility should be advised that the employee has been involved in a work-related injury or accident, and it is the City's policy that the employee be tested for drugs, alcohol, and controlled substances. The medical facility should also be informed that a workers' compensation claim will be filed with the State Compensation Fund. The provider may contact the State Compensation Fund with any questions. The provider should report the results of the drug, alcohol, and controlled substances test to Risk Management by confidential fax.

#### **B. Reporting Property Damage, Loss, or Theft**

All personnel are accountable for equipment used to perform assigned duties. Care of equipment entails proper maintenance and security. When equipment is damaged, lost, or stolen, documentation is required for claims processing and notification.

The employee discovering the damage, loss, or theft of equipment shall immediately report the incident to their immediate supervisor and the Police Department, if applicable. The Incident/Accident Report Form should be forwarded to the immediate supervisor within 12 hours of the incident. The immediate supervisor will forward the completed Incident and/or Accident Report Form with any supporting documentation to Risk Management within 24 hours of the accident/incident. Employees shall not conduct the investigation of an occurrence in which they are personally involved.

Questions concerning the replacement of lost or stolen property or repair or replacement of damaged property should be directed to the appropriate Department Head.

#### **C. Reporting On the Job Injuries**

On the job injuries should be reported according to Administrative Guideline #1050 Workers' Compensation.

#### **D. Reporting Potential Safety Hazards**

Employees who are aware of potential safety hazards in the workplace shall report immediately, either verbally or in writing, the hazard to their immediate supervisor. The supervisor should act to correct the hazard or, if they do not have the resources to correct the hazard, report it to the Department Head. The Department Head is responsible for ensuring that resources are in place to correct potential safety hazards as soon as possible.

## POLICY STATEMENT

**Subject: City Vehicles**

Origination date: 12/10/07

Revision date: 10/24/2016

Policy number: 1100

### Purpose

The purpose of this policy is to set forth the guidelines under which City vehicles will be provided to City personnel and the guidelines under which City vehicles may be used.

### Policy

- A. The provisions of this policy apply to all City employees and elected officials.
- B. The assignment of department vehicles is based upon job description and department need. Department Heads who have vehicles available for work purposes may assign such vehicles in a manner consistent with department workload and employee function.
- C. City vehicles are not for personal use and are assigned solely for the purposes of providing services to City citizens.
- D. It is the policy of the City that certain positions require employee access to vehicles on a 24-hour basis. Vehicle use is limited to travel to and from the employee's residence and place of work. The vehicle should be driven over the most direct route, taking into account road and traffic conditions. Vehicle use for non-City business is strictly prohibited.
- E. "De minimis" use by an employee during the normal commute to and from work or to an assigned jobsite shall not be considered personal use. "De minimis" use may include short stops in a City vehicle at a grocery store, bank, or similar stops when performed during the normal commute to and from work or to an assigned jobsite.



## ADMINISTRATIVE GUIDELINES

### **Subject: Rules Governing Use of City Vehicles**

Origination date: 12/10/07

Revision date: 10/24/2016

Policy number: 1110

### **Purpose**

The purpose of this guideline is to establish rules governing the use of City vehicles by employees.

### **Policy Communication**

The policy establishing the City's direction related to City Vehicles can be found in Policy #1100.

### **Guidelines**

- A. Vehicles shall be marked in accordance with the City vehicle marking policy.
- B. Vehicles shall not be used to transport passengers who are not directly or indirectly engaged in City business. Passengers shall be limited to City employees and individuals who are directly associated with City work activity (e.g., committee members, consultants, developers, realtors, contractors, etc.). Family members shall not be transported in City vehicles, unless determined to be official City business and where the City Manager authorizes family members to be transported.
- C. Vehicles should contain only those items for which the vehicle is designed. The City shall not be liable for the loss or damage of any personal property transported in the vehicle.
- D. Seatbelts shall be worn by all passengers in City vehicles during operation of the vehicle in accordance with state law. Passengers shall not travel in cargo areas of vehicles such as truck beds or other areas where passenger seats are not available, except as authorized by the City Manager.
- E. Employees shall not operate vehicles under the influence of alcohol, illegal drugs, or prescription drugs or medications which may interfere with effective and safe operation.
- F. The use of tobacco products in any City vehicle is prohibited.

- G. Employees who operate City vehicles must have a valid, Arizona-issued motor vehicle license with a classification appropriate for the type of vehicle they are operating and may be required to provide proof of a valid license once every six months. New employees with an out-of-state vehicle license shall not be permitted to operate City vehicles and equipment until a valid Arizona license is obtained.
- H. Employees driving vehicles shall obey all applicable traffic and parking regulations, ordinances, and laws.
  - 1. Employees who incur parking or other fines in City vehicles shall be personally responsible for payment of such fines.
  - 2. Employees who are issued citations for any offense while using a City vehicle must notify their supervisor immediately. Failure to provide such notice may be grounds for disciplinary action up to and including termination. Employees involved in an accident shall submit to a test for drugs or alcohol (including breath, urine, and/or blood screenings). Such tests will be conducted in accordance with City rules and regulations.
  - 3. An employee who has her or his license suspended or revoked shall immediately inform the employee's supervisor and shall not be allowed to operate City vehicles until driving privileges are restored.
- I. No employee may use a vehicle for out-of-state travel without advance approval of the City Manager. Such travel must be City-business related.

## ADMINISTRATIVE GUIDELINES

### **Subject: Vehicles for 24-Hour Use**

Origination date: 12/10/07

Revision date: 10/24/2016, 11/11/2021

Policy number: 1120

### **Purpose**

The purpose of this guideline is to establish criteria for 24-hour City vehicle use.

### **Policy Communication**

The policy establishing the City's direction related to City Vehicles can be found in Policy #1100.

### **Guidelines**

- A. A request for an assignment of a City vehicle to an employee for 24-hour non-personal use shall be made in writing by the Department Head to the City Manager, and will only be considered for employees who require a vehicle for the employee's job functions. ~~Only those~~ Employees who live within a 25-mile radius of City Hall will be considered for 24-hour City vehicle use. **Public Safety employees, required to respond to calls with emergency vehicles, fully equipped with lights and sirens, who live within a 50-mile radius of the Eloy Police Department, will be considered for 24-hour City Vehicle use.** Following are the permissible reasons for allowing 24-hour use of a City vehicle:
1. designated on-call status;
  2. frequent after hours or emergency availability;
  3. work at a time that occurs outside of normal business hours;
  4. daily and extensive field work where use of the vehicle will significantly reduce travel time and distance in the completion of assigned duties;
  5. use is necessary to the successful completion of the task;
  6. emergency or other equipment contained in vehicle;
  7. no City facility is available for garaging in a safe and convenient location; and
  8. other reasons as determined by the City Manager.
- B. City vehicles may be used in a domicile-to-duty (take home) travel capacity when it can be demonstrated the use is necessary to accomplish a valid City government objective.

- C. Employees who are assigned vehicles for 24-hour use are expected to park such vehicles in safe locations.
- D. Each department shall maintain a list of those employees authorized for 24-hour use of a City vehicle and shall furnish the City Manager with an annual updated copy of the list by June 30th of each budget year.
- E. All employees who are assigned 24-hour use vehicles shall ensure that the vehicle is made available for departmental use during any absence from normal City duties, such as during leave, travel, or training. In no case shall a City vehicle be kept at an employee's residence while an employee is on an extended absence from duty.
- F. It is the sole responsibility of the employee to determine if there are any tax implications associated with 24-hour use of a City vehicle.

## ADMINISTRATIVE GUIDELINES

### **Subject: Vehicles for Occasional 24-Hour Use**

Origination date: 12/10/07

Revision date: 10/24/2016

Policy number: 1130

### **Purpose**

The purpose of these guidelines is to establish criteria to be used in the determination of eligibility for occasional 24-hour vehicle use.

### **Policy Communication**

The policy establishing the City's direction related to City Vehicles can be found in Policy #1100.

### **Guidelines**

- A. Department Heads may approve occasional overnight use for licensed City employees. Department Heads are expected to use their professional judgment in granting overnight use.
- B. Occasional 24-hour use requests shall include a written justification, demonstrating that providing a take-home vehicle will result in a lower total cost to the City compared to reimbursement to the employee for City-related use of a privately owned vehicle.
- C. Occasional 24-hour use shall be defined as periods of less than one week in duration and as part of a regularly scheduled requirement for on-call services.

## **ADMINISTRATIVE GUIDELINES**

### **Subject: Operator Inspection of City Vehicles**

Origination date: 12/10/07

Revision date: 10/24/2016

Policy number: 1140

### **Purpose**

The purpose of these guidelines is to establish responsibilities for operator inspection of City vehicles.

### **Policy Communication**

The policy establishing the City's direction related to City Vehicles can be found in Policy #1100.

### **Guidelines**

- A. The operator of a vehicle has an obligation to inspect the vehicle before use and ensure the vehicle is in proper working condition by checking fluid levels, mirrors, tire pressure, gas cap, spare tire, and jack.
- B. Employees are expected to keep vehicles clean and to report any malfunction or damage to their supervisor and Public Works immediately. Employees shall use their best judgment when selecting a vehicle washing facility for the purposes of ensuring that vehicles are kept clean.

## ADMINISTRATIVE GUIDELINES

**Subject: City Vehicle Fueling**

Origination date: 12/10/07

Revision date: 10/24/2016

Policy number: 1150

**Purpose**

The purpose of this guideline is to establish guidelines for fueling City vehicles.

**Policy Communication**

The policy establishing the City's direction related to City Vehicles can be found in Policy #1100.

**Guidelines**

All City vehicles shall fuel at a City-designated location. Alternatively, those employees with City purchase cards may purchase fuel from any commercial fueling source; preferably within the City limits.

<b>POLICY STATEMENT</b>	
<b>Subject: Cash Management Standards and Practices</b>	
Origination date: 02/24/14	Revision date: 10/24/2016
Policy number: 1200	

## **Purpose**

The purpose of this policy is to set cash out procedures for City departments.

## **Guidelines**

The City Finance Department has developed the following standards and practices in an effort to maintain a high level of accuracy and consistency when handling cash and payments which will ensure that:

- All cash which should have been received was received, recorded, and deposited promptly and accurately.
- Cash on hand, and transaction activities are accurately stated and reconciled, and subject to appropriate safeguards.
- Sufficient transaction detail is maintained to provide an audit trail.

All employees who handle cash will be trained and responsible for following these standards and practices when handling cash, processing payments, and reconciling drawers. These standards and practices are to be followed in all cases unless otherwise instructed by a Supervisor, Manager, or Director.

### **A. ACCOUNTABILITY**

1. All transactions should be immediately documented using either the cash register, Point of Sale (POS) system, or a receipt book. Whenever possible, mechanical or computer equipment should be used in recording cash transactions. The use of cash registers and POS systems is critical because they provide vital accounting controls such as:
  - a. Immediate visual display of the amount.
  - b. Observance of the amount by the customer.
  - c. A printed receipt available to the customer.
  - d. Documented validation providing a cross reference and an audit trail.
  - e. Locked in totals of the day's receipts.



2. Providing a receipt to each customer means that every sale has been recorded. As part of the recording process in issuing the receipt, the individual cashier should be identifiable along with the form of payment (cash, check, etc.).
3. The receipt of cash should be provable by other records. If a department receives payment and brings it to the Finance Department to be recorded, it should make copies to leave as back up if it wishes to keep the original documentation for its records. This includes check stubs and invoices.
4. All receipts are to be coded to a revenue account unless it is a refund of a current fiscal year expenditure, and it may then be coded to the original expenditure account.
5. Checks and money orders should be restrictively endorsed immediately "For Deposit Only". If possible, endorse through the cash register endorsement process. If not, use a stamp, which has the bank name and account number.
6. Individual accountability for cash is to be maintained throughout all cash handling operations. This applies to all transfers of cash. The documentation involved in a transfer, must also document the type of cash (currency, checks, and other forms of payment). Two signatures on the transfer indicate that each person has counted and totaled the amounts of each type of cash being transferred and both agree that the amount(s) listed is the amount(s) actually transferred. Checks should have a calculator tape attached with an item count so that they can be matched to the number of checks listed on the deposit slip.

Whenever a handler of cash leaves the work area, he or she is responsible for ensuring that the cash is secured by locking it in a drawer, desk, file cabinet, safe, etc. Keys and combinations are to be kept secured and not shared. Duplicate keys and a copy of the combination will be kept secured in the Finance Department.

7. Access to cash drawers should be restricted to one employee per drawer. If more than one employee has access to the cash drawer, identification numbers should be used to identify which employee performed each transaction.

## **B. SEGREGATION OF DUTIES**

To protect both cash and the cash handler there should be a segregation of duties. Employees who handle cash and prepare deposits should not be the same employees who reconcile the deposit to the general ledger. This way, no one person has control over the entire cash handling process. At least two people should be involved in any cash transaction. This practice is called Dual Custody which encourages cash handlers to check each other, reduces the opportunity for robbery or theft, and if loss does occur, protects cash handlers from unwarranted suspicion.

## **C. RECONCILIATION**

1. Open items (anything not in deposit) should be documented and followed until deposited.
2. Cash registers are to be closed out at the end of each day. Staff performing the close out should reconcile receipts by cross balancing the funds collected against the register totals, the receipts issued, and the deposit documents received. The cash remaining in the drawer should total the starting balance. Research and document any overages/shortages. Prepare the deposit slip and re-total to make sure it matches the cash and checks attached. The deposits are then placed in the deposit bag and locked or otherwise secured and transferred to a Supervisor, Manager, or the Finance Department. The transferee will review that receipts were issued in numerical order. Verify that register totals and beginning and ending readings are in order. Perform cash counts to ensure the accuracy of staff and compliance with control practices. Deposits will be reviewed and approved then secured and either taken to the bank or to the Finance Department where it will be delivered to the bank.
3. Deposits will be reconciled monthly to bank accounts and to the general ledger.

## **D. PHYSICAL SECURITY**

1. To ensure the safety of staff and cash, physical security should be maintained and controlled. All cash drawers, lock boxes, and safes should be kept locked during business hours. All cash, including deposits, should be kept secure and not visible. Safety for both the employees and the cash is improved by having a second person present when the office is opened and again when it is closed for the day. Cash should be counted away from customer and employee traffic. Cash should be deposited daily or at least weekly to minimize the amount of cash on hand. No more than \$250.00 should be kept on hand.

2. Create physical barriers between cash and the public such as counters, gates, locked doors, etc. Post signs at appropriate locations such as **“Do Not Enter”**, **“Restricted Area”**, **“Employees Only”**, etc. Alarm systems and or cameras should be installed to prevent break-ins.

## **E. SUMMARY OF CASH HANDLING**

1. Accepting Cash, Checks, and Credit Cards:
  - a. Accept the payment. If a check, ensure the check is payable to the City and endorse it. Endorsement stamp will be provided.
  - b. Record the transaction with a sequentially numbered receipt to the customer.
  - c. Count and place all cash in a secure location.
2. Preparing a Deposit:
  - a. Use the correct deposit slip and document accurately.
  - b. Run a calculator tape of all checks and a separate tape for credit card sales. Attach the tapes to the corresponding checks and receipts.
  - c. Provide the appropriate information on the form. The preparer and reviewer should both sign or initial the deposit form.
  - d. Write the deposit bag # on the deposit slip or back up documentation.
  - e. Include supporting documentation such as “z” tape, receipts, etc.
  - f. Balance the cash, receipts, and any reports generated to the deposit.
  - g. Keep a copy for your records.
3. Deposit Cash:
  - a. Control the amount of cash on hand.
  - b. Keep the amount of cash at a minimum by making regular deposits daily or at least weekly. No more than \$500.00 should be kept on hand.
  - c. Remove extra cash and store it in a secure location until the deposit can be processed.
  - d. When transferring cash to Finance or to the bank, keep cash out of sight. Do not take a deposit with you unless you are going directly to Finance or the bank.
4. Reconcile Deposits:

- a. Ensure cash and receipts balance.
  - b. When cash changes hands or accounts, make sure you record the exact amount.
  - c. Balance daily and monthly.
  - d. Compare amounts reported on deposit slips to the general ledger and to the bank statement.
  - e. Maintain appropriate sign offs when cash changes hands.
5. Investigate all cash differences:
  - a. Recount cash, preferably in dual custody.
  - b. Run a second tape to check accuracy of first tape.
  - c. Check for transposed numbers on receipts and deposit slips.
  - d. Be alert to mysterious losses or patterns of loss.
  - e. Report any losses to your supervisor – immediately!

**F. CASH OUT PROCEDURES:**

1. Individual departments that take in payments for the City of Eloy will cash out at the end of each day beginning no earlier than 3:00 p.m. Deposits and reports should be delivered to the Finance Department no later than 4:30 p.m. daily. If the cash collected is less than \$25.00 it may be secured in a safe or lock box and delivered/deposited when cash on hand is more than \$50.00 or at least weekly regardless of amount on hand.
2. A designated person will be in charge of reconciling the drawer/register to the close out reports/receipts. If the designated person is absent the alternate is to perform the cash out. Under no circumstances should cash out NOT be performed daily. If both the designated and alternate persons will be absent cash out may be done early but Finance will need to be informed of the necessity for early cash out.
3. Research and document overages/shortages. Re-total deposit slips and verify all cash and checks are attached that are listed on the slip. The cash remaining in the drawer should total the starting balance.
4. Credit card transactions are to be settled daily at the same time as cash out so the settlement matches the amount sent to the bank and the close out reports. Attach the settlement slip with the receipts.

## **G. COMPLIANCE**

Failure to comply with this policy may result in disciplinary action up to and including removal of City cash handling privileges, suspension, or termination of employment.

All employees shall be given a copy of this policy and will be required to sign a confirmation receipt which shall be maintained in the employee personnel file.

## ADMINISTRATIVE GUIDELINES

### **Subject: Policy and Guideline Definitions**

Origination date: 07/24/02

Revision date: 03/24/03, 12/10/07, 3/22/10

Guideline number: 10

11/8/2010, 8/9/12, 10/24/2016, **11/28/2022**

### **Purpose**

The purpose of this administrative guideline is to define the critical terms used in the City's policies and administrative guidelines. This document should be used to clarify what is meant by the terms in these documents. To the extent any definition set forth herein conflicts with the meaning of any term set forth in a policy or administrative guideline, the meaning in the policy or administrative guideline shall control.

### **Alcohol**

The intoxicating agent in beverage alcohol, ethyl alcohol, or other low molecular weight alcohols, including methyl and isopropyl alcohol, and any medication, food, or other alcohol-containing products.

### **Alcohol Use**

The consumption of any beverage, mixture, preparation, or medication containing alcohol.

### **Anniversary Date**

The anniversary date shall be the date the employee is placed in regular status

### **Appointing Authority**

The person or any group of persons having the authority by virtue of City Code, ordinances, resolutions, or policies to make appointments to specific positions in the municipal service of the City, subject to the provisions of these policies and administrative regulations.

### **Appointment**

The designation of a person to a position authorized by the City Council.

### **ARS**

Arizona Revised Statutes.

### **City**

City of Eloy.

### **Class**

A grouping of positions or jobs that share the same descriptive title and share similar duties, authority, responsibilities, and skills required to perform duties.

### **Classification**

The original assignment of the position to an appropriate class on the basis of the kind, difficulty, responsibility of work, and skills required to perform duties.

**Classification Plan**

A plan which groups all positions in the municipal service into classes based upon their duties, authority, responsibilities, and skills required to perform duties.

**Class Specification**

The official written general statement of the characteristics, duties, responsibilities, and qualification requirements that distinguish a specific class from other classes. Specific description depends upon exact job activities and may be developed with class specifications for recruitment, hiring and employment. Also known as a job description.

**Commercial Motor Vehicle**

A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle:

- Has a gross combination weight of 26,001 or more pounds inclusive of a towed unit with a gross vehicle weight of more than 10,000 pounds; or
- Has a gross vehicle weight rating of more than 26,001 pounds; or
- Is designed to transport 16 or more passengers, including the driver; or
- Is of any size and is used in the transportation of hazardous materials requiring placards.

**Compensation Plan or Pay Plan**

A plan which establishes a salary range for each class and includes a minimum and maximum pay rate and such intermediate pay rates as are necessary and equitable.

**Compensatory Time Off**

Time off from work in lieu of monetary payment for work performed over the standard work week. Compensatory time is accrued at a rate of one and one half hours per each hour worked and must be paid upon termination from the City. Prior to the employee working overtime, the supervisor shall discuss with the employee that the employee will be given compensatory time rather than overtime for the work they are going to perform.

**Continuous Years of Service**

The amount of time (with no gaps, except as otherwise set forth herein) the employee has served the City in any capacity, including reserve, part-time, or temporary.

**Controlled Substance**

Any narcotic, dangerous, prescribed, or unprescribed drug as defined by State or Federal Law.

**Demotion**

The movement of an employee from a position currently held to another position resulting in a lower salary range or status. A voluntary demotion is a demotion initiated by the employee. An involuntary demotion is a demotion initiated by an appointing authority.

**Department**

A major functional unit of the City government structure.

**Department Head**

The officially appointed head of any City department who is directly responsible for the administration of the department.

**Development**

Development may be used to correct performance deficiencies of employees, or to develop the potential of an employee.

**Discipline**

Discipline is defined as actions taken to address and correct an employee's work behavior or performance.

**Discipline Held In Abeyance**

Discipline held in abeyance is a step that may be taken when disciplinary action has been taken, but when the City Manager holds the action for a designated period of time. If agreed upon conditions are met, the discipline may be withdrawn.

**Driver**

Any person who operates a vehicle on a regular, intermittent, or occasional basis to conduct City business.

**Education**

The formal enrollment and participation in collegiate courses for which academic credit is earned.

**Employee Break**

A period of time taken by an employee during the course of a regular scheduled work day. Breaks are a privilege and not a right. Breaks are to be taken at a place other than the designated workstation and governed by departmental policies and guidelines.

**FLSA**

The Fair Labor Standards Act is the federal law that governs work time and the payment of overtime.

**Flextime**

The temporary adjustment of the employee's daily work schedule.

**Full-Time Status**

Positions considered under the full-time status will require the incumbent to generally work forty hours per week. As such, they may be employed on either a regular or temporary basis. Full-time positions may need to work more than the standard forty hours per week, depending on the job assignment.

**Holiday**

The twenty-four (24) hour period starting at midnight and ending at midnight of the day observed.



**Holiday Pay** – Regular compensation for paid holiday. Shall not be applied to actual hours worked and will not be applicable to overtime.

**Holiday Worked Pay** – Any hours worked on an observed or actual holiday (shall be compensated for one or the other, not both) at one and half rate of pay.

### **Immediate Family**

Immediate family to the 2<sup>nd</sup> degree of consanguinity and 2nd degree of affinity is defined in terms of consanguinity and affinity, based on this list:

Mother	(in-law)	Husband
Father	(in-law)	Wife
Sister	(in-law)	Step children
Brother	(in-law)	Step parents (in-law)
Daughter	(in-law)	Grandchildren
Son	(in-law)	Grandparents (in-law)

### **Immediate Supervisor**

The person with direct administrative or supervisory responsibility.

### **Job Description**

See Class Specification

### **Layoff**

The separation of an employee from City service which has been made necessary by the lack of work or funds or other reasons not related to fault, delinquency or misconduct on the part of the employee.

### **Leave**

An authorized absence from regularly scheduled work hours, which has been approved by the proper authority.

#### *Letter of Instruction*

A letter which may be given to an employee to notify the employee that their work-related behavior is violating a policy, procedure, guideline, or other City rule and that the employee is expected to change the behavior immediately.

### **Longevity**

The time from initial appointment of employment to the current date.

### **Medical Evaluation**

The physical or mental evaluation of an employee by a certified medical doctor or mental health professional paid by the City as provided in Policy #1030.

### **Medical Review Officer (MRO)**

A medical review officer is the physician certified and hired to review the results of employee drug and controlled substance tests Enclosed is information pertaining to continued insurance coverage pursuant to Guideline 335, Sec B - Enrollment in City Health Insurance Plan Upon Retirement, as an employee of over 20 years

with the City, you will be eligible to remain on the City's group medical insurance until you reach qualification for Medicare or if you wish to enroll in another insurance program. If you wish to elect this benefit and will be continuing coverage through the City's group medical insurance, please include a check or money order, made out to the City of Eloy in the dollar amount as listed on your form and return it all to my attention by October 29, 2009. I will then forward the information to the Finance Department and they will set you up through their billing system.

**Merit Pay Increase**

An increase on the same pay range of the Compensation Plan which is granted to an employee who meets work performance expectations over a period of time, usually one year, and contingent upon funds being budgeted and approved by Council.

**Overtime**

Time worked by non-exempt employees in excess of the established workweek, as defined by State and Federal Law. Overtime is paid at a rate of one and one half times the employee's regular hourly rate.

**Part-time Status**

Part-time employees are those who are normally scheduled to work less than a forty hour work week.

**Pay Range**

The minimum to maximum pay associated with a class of positions in the Classification Plan.

**Pay Step**

A pay increment within the pay range.

**Performance Appraisal**

A written evaluation of an employee's work performance.

**Personnel Action**

Any official action taken with reference to appointment, compensation, promotion, suspension, transfer, layoff, dismissal, or any other action affecting the status of an employee.

**Probationary Period**

A period of time for all new employees and employees receiving a promotion, transfer, lateral or demotion during which time the employee's performance in the new position is assessed.

**Probationary Employee**

An employee who is in her or his Probationary Period.

**Promotion**

The movement of an employee from a position in one class to a position in another class having a higher salary range.

**Reclassification**

A change in an individual position by raising the position to a higher class, reducing to a lower class or by moving to another class at the same level on the

basis of significant changes in the kind, difficulty, or responsibility of the work performed in such a position.

### **Red Line Salary**

A salary in excess of the maximum rate of pay assigned to a pay grade.

### **Regular Employee**

Upon satisfactory completion of the probationary period an employee becomes a regular employee. All employees, regardless of status or duration of employment, must meet and maintain City standards for job performance and behavior.

Positions considered for regular status are budgeted and approved in the annual City of Eloy budget and are eligible to receive the rights described in these policies and guidelines, including appeal rights and employee benefits.

### **Safety-Sensitive Function**

For employees who are required to drive commercial vehicles on the job, a safety-sensitive function is any time waiting to be dispatched, all time inspecting, servicing, or conditioning any commercial motor vehicle at any time; all time spent at the driving controls of a commercial motor vehicle; all time, other than driving, spent in or on a commercial vehicle; all time loading or unloading, attending a vehicle being loaded or unloaded, and remaining in readiness to operate the vehicle; all time spent performing the driver requirements associated with an accident; all time repairing, obtaining assistance, or remaining in attendance with a disabled vehicle.

### **Secondary Employment**

Any employment that is in addition to full time employment with the City of Eloy.

### **Substance Abuse Professional (SAP)**

A licensed physician (medical doctor or doctor of osteopathy), or a licensed or certified psychologist, social worker, employee assistance professional, or addiction counselor (certified by the National Association of Alcoholism and Drug Abuse Counselors Certification Commission) with knowledge of and clinical experience in the diagnosis and treatment of alcohol and controlled substances-related disorders.

### **Supervisory Counseling**

A discussion between an employee and their immediate supervisor where the supervisor puts the employee on notice that their work performance, behavior, attitude, attendance, etc. needs improving.

### **Suspension**

Suspension is a form of discipline consisting of relieving an employee from work with or without pay for a specified period of time, depending upon the circumstances bringing about the disciplinary action.

### **Temporary Status**

Positions considered under the temporary status are not normally budgeted in the annual City of Eloy budget and normally exist for a limited or defined period of time. Employees in positions with temporary status do not receive the rights described in these policies and guidelines, including appeal rights and employee benefits.

**Termination**

The end of employment. The terms Dismissal and Termination are interchangeable.

**Training**

Includes all activities designed to orient, update and develop job-related knowledge and skills of City Staff for present and potential positions in the City structure. It also includes all training activities designed to help implement City programs or introduce and maintain City administrative systems. Training may be provided by technical consultants, by participation in workshops, courses or seminars, or by participation in in-service training sessions conducted by City Staff.

**Transfer**

The movement of an employee from one division to another class having the same maximum salary rate, involving the performance of similar duties and requiring essentially the same qualifications.

**Vacancy**

A City Council authorized and budgeted position which is not occupied and for which funds are available.

**Vehicle Accident**

An accident has occurred when a moving vehicle contacts another vehicle or object or when a non-moving vehicle is struck by another vehicle causing physical damage and/or injury.

**Worker's Compensation**

Benefits received by an employee for an injury or illness, which occurs during the course and scope of employment, as deemed appropriate by the State's Workers' compensation board.

**Work Day**

Unless otherwise specified, a work day refers to a normal eight (8) hour day, **Monday through Friday, 8 am to 5 pm schedule.**

**Work Week**

The City has the following established work weeks:

<b>Established Work Weeks</b>	<b>Overtime Eligibility</b>
7 day period MONDAY 12AM TO SUNDAY 12PM*	Overtime paid to non-exempt employees for over 40 hours worked in the 7 day period

\*Only available for **sworn** police officers and sergeants.